

Penal Code

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LAW NO. 1
ON GENERAL PROVISIONS

Article 1 - The infraction that the laws punish with police penalties is a contravention. The offence, which the laws punish with correctional penalties, is an offence. The offence, which the laws punish with an afflictive or infamous penalty, is a crime.

Art. 2 - Any attempt to commit a crime which has been manifested by external acts and followed by the beginning of its execution, if it has only been suspended or has failed to produce its effect due to fortuitous circumstances or circumstances beyond the control of the perpetrator, is considered a crime and will be punished by imprisonment, the duration of which will be proportionate to the gravity of the case.

Art. 3 - Attempted crimes are only considered crimes in those cases determined by a special provision of the law.

Art. 4 - No contravention, no misdemeanor, no crime can be punished by penalties that were not pronounced by the law before they were committed.

Art. 5 - The provisions of the present code do not apply to military contraventions, offenses and crimes.

ACT No. 2
ON CRIMINAL AND CORRECTIONAL SENTENCES AND THEIR
EFFECTS

Art. 6 - Penalties in criminal matters are either afflictive and infamous at the same time, or only infamous.

Art. 7 - (Art. 2 of the decree of July 4, 1988) - The penalties that are both afflictive and infamous are :

- 1) Hard labor for life;
- 2) Hard labor; 3 Detention;
- 4) Seclusion in a house of strength.

Art. 8 - The only infamous sentences are :

- 1) Banishment;
- 2) Civic degradation;
- 3) Removal for life under the special supervision of the high state police.

Art. 9 - The penalties in correctional matters are :

- 1) Imprisonment for time in a place of correction;
- 2) The time ban on certain political, civil or family rights;
- 3) Impeachment;
- 4) Removal for life under the special supervision of the high state police.

Art. 10 - The fine and the special confiscation, either of the body of the offence, when the property belongs to the convicted person, or of the things produced by the offence, or of those which served or were intended for the commission of the offence, are common penalties in criminal and correctional matters.

Art. 11 - The condemnation to the penalties established by the law is always pronounced without prejudice to the restitutions and damages which may be due to the parties.

Articles 12, 13 and 14 are repealed by the decree of July 4, 1988

CHAPTER I OF SENTENCES IN CRIMINAL MATTERS

Art. 15 - The men condemned to forced labor will be employed in public works.

Art. 16 - Women and girls condemned to forced labor will only be employed inside a house of strength.

Art. 17 - Sentences of life imprisonment, both afflictive and infamous, entail the loss of civil and political rights, starting from the day fixed for the execution.

Art. 18 - Convictions to temporary, afflictive or infamous sentences entail the suspension of civil and political rights for the duration of the sentence.

sentence.

A curator shall be appointed to the convicted person in the form prescribed for the appointment of curators to the interdicted.

Art. 19 - The sentence of forced labor will be pronounced for at least three years, and fifteen years at the most.

Art. 19 Bis (D. 23 September 1985) - Any person of either sex sentenced to imprisonment shall be detained in a penal institution for at least ten years and at most twenty years.

Art. 20 - Any individual of either sex, condemned to the penalty of imprisonment, will be employed in a house of strength, to work, the product of which could be partly applied to his benefit, as it will be regulated by the government.

The duration of this sentence will be at least three years and at most nine years.

Art. 21 - **The** duration of the sentences will be counted from the day when the conviction has become irrevocable.

Art. 22 - No sentence can be executed on national or religious holidays, nor on Sundays.

Art. 23 - The degradation of citizenship consists in the removal of the convicted person from all public functions or jobs, and in the deprivation of all the following rights:

The convicted person may never be a juror, expert, or be used as a witness in acts, or give evidence in court, other than to provide simple information.

He will be incapable of guardianship and curatorship, except for his children, and only on the advice of the family.

He will be deprived of the right to bear arms.

Art. 24 - The effect of the removal under the special supervision of the State High Police will be determined in Chapter III of this law.

Art. 25 - All judgments that carry afflictive or infamous punishments will be read and published by extract in the city where the judgment was rendered, in the municipality of the place where the crime was committed, in the municipality where the execution will be carried out and in the municipality of the convicted person's residence.

CHAPTER II OF SENTENCES IN CORRECTIONAL MATTERS

Art. 26 - Anyone sentenced to imprisonment shall be confined in a house of correction; he shall be employed in one of the jobs established in this house, according to his choice, except in the case provided for in article 330 of the present Code.

The duration of this sentence will be at least six days and at most three years, except in cases of recidivism or other cases, where the law will have determined other limits.

The sentence for one day of imprisonment is twenty-four hours. The one month sentence is thirty days.

Art. 27 - The proceeds of the work of each prisoner for a correctional offense will be applied, in part to the common expenses of the house, in part to provide him with some relief, if he deserves it, in part to form a reserve fund for him, at the time of his release: all of this, as will be ordered by the regulations of public administration.

Art. 28 - In certain cases, the courts, when judging a crime, may prohibit, in whole or in part, the exercise of the following political, civil and family rights:

- (1) Voting and election;
- (2) Eligibility;
- (3) To be called or appointed to jury duty or other public office or to public employment in the government, or to hold such office or employment;
- (4) Carrying weapons;
- 5° Of voting and suffrage in family deliberations;
- 6° To be tutor, curator, if not of his children, and only on the advice of the family council;

7° To be an expert or a witness in the acts ;

8° To testify in court, other than to make simple statements;

Art. 29 - The courts will only pronounce the prohibition mentioned in the preceding article when it has been authorized or ordered by a particular provision of the law.

Art. 30 - Whoever incurs the penalty of impeachment will be deprived of the right to exercise any public employment or function, for at least three months, and at most five years.

CHAPTER III

SENTENCES AND OTHER CONVICTIONS THAT MAY BE HANDED DOWN FOR CRIMES AND OFFENCES

Art. 31 - The effect of the dismissal under the special supervision of the high police of the State will be to give the government the right to order and the interested party to request the Grand Judge, either the banishment of the individual from a certain place, or his continuous residence in a determined place of one of the districts of the Republic.

Art. 32 - In case of disobedience to this order, the Government will have the right to order, and the interested party will have the right to request from the Grand Judge (the expression Grand Judge is archaic), the arrest and detention of the condemned person for a period of time that can extend as long as the time set for the state of special surveillance.

Art. 33 - The offenders condemned to forced labor or to imprisonment will be, by right, after they have served their sentence, and for a time equal to its duration, under the supervision of the high police of the State.

Art. 34 - Those who have been convicted of crimes or misdemeanors that concern the internal or external security of the State shall be sent back under the same supervision and for life.

Except for the cases determined above, the convicts shall be placed under the supervision of the high state police only in the event that a particular provision of the law

will have allowed it.

Art. 35 - When restitution is due, the guilty party shall also be condemned to pay compensation to the party, the determination of which is left to the justice of the court, when the law does not regulate it, without it ever being less than a quarter of the restitution, and without the court being able, with the consent of the party, to pronounce its application to any work.

Art. 36 - The execution of sentences to fines, restitutions, damages and costs can be pursued by means of legal proceedings.

Art. 37 - (*Law of July 19, 1898*) - When fines and costs are pronounced in favor of the State, if, after the expiration of the afflictive or infamous sentence, the imprisonment of the condemned person for the acquittal of these pecuniary condemnations, has lasted a complete year, he will be able to obtain his liberty, on the proof acquired by the law, of his absolute insolvency

The term of imprisonment will be reduced to six months if it is a misdemeanor.

And when the convicted person has been retained by the plaintiffs or civil parties for damages, restitutions or costs pronounced in their favor, the duration of the constraint shall be ten months, if the damages do not exceed one hundred piasters, and one year at the most if these damages exceed this value.

Art. 38 - In the case of competition of the fine with restitution and damages, on the insufficient property of the condemned person, the latter condemnations will be given preference.

Art. 39 - All individuals condemned for the same crime or for the same misdemeanor are jointly and severally liable for fines, restitution, damages and costs.

CHAPTER IV

PENALTIES FOR RECIDIVISM FOR CRIMES AND MISDEMEANORS

Art. 40 - Anyone who, having been convicted of a crime, commits a second crime leading to degradation of civic rights, shall be sentenced to imprisonment. (as modified by the decree of July 4, 1988).

If the second crime is punishable by imprisonment, he will be sentenced to hard labor.

If the second crime is punishable by hard labor, he will be sentenced to hard labor for life.

Art. 41 - Whoever, having been convicted of a crime, commits a misdemeanor of a nature to be punished correctionally, will be sentenced to the maximum penalty provided for by the law, and this penalty may be increased up to twice as much; in addition, he will be placed under the special supervision of the high police of the State, for a minimum of three years, and a maximum of nine years

Art. 42 - Those sentenced to a correctional sentence of more than six months imprisonment will be sentenced, in the case of a new offense, as stated in the preceding article.

Art. 43 - Anyone who has been sentenced to a correctional penalty, and who has committed a crime that is punishable by hard labor or imprisonment, will be sentenced to the maximum penalty established by the law.

ACT No. 3

ON PERSONS PUNISHABLE, EXCUSABLE OR LIABLE FOR CRIMES OR MISDEMEANORS

Art. 44 - Accomplices to a crime or misdemeanor will be punished with the same penalty as the perpetrators of the crime or misdemeanor, except in cases where the law provides otherwise.

Art. 45 - The following will be punished as accomplices to an action qualified as a crime or misdemeanor

Those who, by gifts, promises, threats, abuse of authority or power, machinations or culpable artifices, will have provoked this action or given instructions to commit it.

Those who will have provided weapons, instruments or any other means that will have been used for the action knowing that they were to be used for it.

Those who have, with knowledge, helped or assisted the author or authors of the action,

in the facts which will have consumed it, without prejudice to the punishments which will be specially brought by the present Code against the authors of plots or provocations attacking the internal or external security of the State, even in the case where the crime which was the object of the conspirators or provocateurs, would not have been committed.

Art. 46 - Those who knowingly conceal, in whole or in part, things taken, misappropriated or obtained with the help of a crime or misdemeanor will also be punished as accomplices to this crime or misdemeanor.

Art. 47 - Nevertheless, with regard to the concealers designated in the preceding article, the penalty of death or forced labor for life, when applicable, will only be applied to them if they are convinced that they had, at the time of the concealment, knowledge of the circumstances to which the law attaches the penalties of these two types; if not, they will only be subjected to the penalty of forced labor for time.

Art. 48 - There are neither crimes nor offenses when the accused was in a state of insanity at the time of the action or when he was forced by a force he could not resist.

Art. 49 - No crime or misdemeanor can be excused, nor can the punishment be mitigated, except in those cases and circumstances where the law declares the act excusable or allows for a lesser punishment.

Art. 50 (*Law of September 7, 1951*).- When the accused is over 13 years of age and under 16 years of age, and unless a penal sentence is pronounced in accordance with article 51 of the present Code, he will be, depending on the circumstances, either simply admonished or handed over to his parents, his guardian, the person who had custody of him or to a trustworthy person, or sent to a private or public Medical-Pedagogical Institute or placed in the "Duval-Duvalier" Reception Center or any other corrective education institution, in order to receive moral, civic, and professional training for the number of years determined by the judgment, which may never exceed the time when the child reaches the age of 21.

Appeals against decisions ordering the placement of a minor or his or her transfer to a public institution for supervision or correction are suspensive, unless provisional execution is ordered, notwithstanding any opposition or appeal expressly made. The

The appeal to the Supreme Court has no suspensive effect.

Art. 51 - (*Law of September 7, 1961*) When the circumstances of the case and the personality of the accused over 13 years of age require a criminal conviction, the judgment will be pronounced as follows, subject to the possibility, if necessary, for the competent judge to set aside the mitigating excuse of minority.

A) If he has incurred the penalty of hard labor for life, he will be subject to eight years of treatment in a State Correctional Education Center.

B) If he has incurred the penalty of hard labor, detention or imprisonment, he will be subjected to treatment for a maximum of three years in a specialized State Professional Center.

Art. 52 (*Law of September 7, 1961*) - In all cases, it may be decided that the minor will be placed under the regime of probation until a certain age, which will be determined hereafter.

Art. 53 - Sentences of forced labor for life and forced labor for time shall not be pronounced against any individual who has reached the age of sixty years at the time of the judgment.

Art. 54 - These sentences will be replaced, in their regard, by that of imprisonment, either for life or for time, depending on the length of the sentence it replaces.

Art. 55 - Any person sentenced to forced labor for life or for time, as soon as he reaches the age of sixty, will be released and will be confined in the house of force for the entire duration of his sentence, as if he had only been sentenced to imprisonment.

Art. 56 - In cases of civil liability which may arise in criminal, correctional or police cases, the courts before which these cases are brought shall conform to the provisions of the Civil Code on misdemeanors and quasi-crimes.

LAW NO. 4

ON CRIMES, OFFENCES AND THEIR PUNISHMENT

Title One

CRIMES AND OFFENCES AGAINST THE PUBLIC GOOD

CHAPTER ONE

CRIMES AND OFFENCES AGAINST STATE SECURITY

SECTION I - CRIMES AND OFFENSES AGAINST THE EXTERNAL SECURITY OF THE STATE

Art. 57 - (*Decree of July 4, 1988*) Any Haitian who bears arms against Haiti will be punished with forced labor for life.

Art 58 (*Decree of July 4, 1988*).- Will also be punished with forced labor for life, whoever will have practiced maneuvers or maintained intelligences with the enemies of the State, in order to facilitate their entry on the territory and dependences of the Republic, or to deliver to them cities, fortresses, places, posts, harbors, stores, arsenals, vessels or buildings belonging to Haiti, or to provide the enemies with assistance in soldiers, men, money, food, arms or ammunition, or to support the progress of their arms on the possessions or against the Haitian forces on land or at sea, either by undermining the loyalty of the officers, soldiers, sailors or others to the State and the Head of State, or in any other matter

Art. 59 - (*Decree of July 4, 1988*) - Any public official, any agent, any government employee, charged by reason of his functions, with the deposit of plans of fortifications, arsenals, harbors or roadsteads, who will have delivered these plans, or one of these plans, to the enemy or to the agents of the enemy, will be punished with forced labor for life.

Art. 60 - Any other person who, having succeeded by corruption, fraud or violence, in removing the said plans, will have delivered them to the enemy or to the agents of a foreign power, will be punished in the same way as the civil servant or agent mentioned in the preceding article, and according to the distinctions which are established there.

If the said plans were in the hands of the person who delivered them without the previous use of bad ways, the penalty will be :

In the first case mentioned in article 59, imprisonment; and in the second case of the

same article, imprisonment from one to three years.

Art. 61 - (*Decree of July 4, 1988*) Anyone who has concealed, or has caused to be concealed, enemy spies or soldiers sent to be discovered, and who has been known to be such, will be sentenced to forced labor for life.

Art. 62 - Anyone who, by acts not approved by the government, exposes Haitians to reprisals, will be punished by imprisonment.

SECTION II - CRIMES AGAINST THE INTERNAL SECURITY OF THE STATE

I. ATTACKS AND PLOTS AGAINST THE HEAD OF STATE

Art. 63 - (*Decree of September 23, 1985, art. 1*) The attempt on the life or person of the Head of State will be punished by detention.

Art. 63 Bis (*Decree of September 23, 1985, art. 2*) - Attacks and plots whose purpose is to endanger the lives of members of the Executive Branch will be punished by imprisonment. The sentence will be fifteen years.

Attacks and conspiracies whose purpose is to endanger the life of a member of the State Power, a high ranking civil servant, or a member of the Haitian Armed Forces will be punished by imprisonment. The sentence will be of at least ten years and at most twelve years.

Art. 64 (*Decree of September 23, 1985*) - An attack whose aim is to destroy or change the government, or to incite citizens or inhabitants to take up arms against the authority of the Head of State, will be punished by detention: Either to destroy or change the Government, or to incite the citizens or inhabitants to arm themselves against the authority of the Head of State, will be punished by detention. (Thus modified by the decree of September 23, 1985).

Art. 64 - (*Decree of September 23, 1985, art. 2*) - now reads as follows Attacks and plots whose aim is to destroy political institutions or to change the government, to incite citizens or inhabitants to arm themselves against the authority of the Head of State will be punished by detention. The sentence will be of at least ten years and at most fifteen years.

Art. 65 - (*Decree of September 23, 1985, art. 2*) Conspiracy to commit the crimes mentioned in the previous articles will be punished by detention.

Art. 66 - There is an attack as soon as an act is committed or begun to achieve the execution of these crimes, even though they have not been committed.

Art. 67 There is a conspiracy as soon as the resolution to act has been agreed upon by two or more conspirators, even though there has not been an attack.

II. CRIMES TENDING TO DISTURB THE STATE THROUGH CIVIL WAR, ILLEGAL USE OF ARMED FORCE, PUBLIC DEVASTATION AND PLUNDER

Art. 68 (*Decree of September 23, 1985, art. 1^{er}*) - An attack whose aim is to either incite civil war, by arming and inciting citizens or inhabitants to arm themselves against each other; or to bring devastation, massacre and pillage to a given area: Either to incite civil war, by arming and bringing the citizens or inhabitants to arm themselves against each other; Or to bring devastation, massacre and pillage in one or several communes; Will be punished by detention.

Art. 69 - (*Decree of September 23, 1985, art. 2*) The conspiracy which tends to the same goal, will be punished by the penalty of imprisonment.

Art. 70 - (*Decree of September 23, 1985, art. 1^{er}*) - Those who raise or cause to be raised armed troops, hire or enlist soldiers, or cause them to be hired or enlisted, or provide them with arms or ammunition, without the order or authorization of the Head of State;

Those who, without right or legitimate reason, will have taken the command of an army corps, a troop, a fleet, a squadron, a warship, a stronghold, a post, a port, a city;

Those who have retained, against the order of the Government, any military command;

The commanders who will have held their army or troop together, after the dismissal or the separation will have been ordered; Will be punished of detention.

Art. 71 - (*Decree of September 23, 1985, art. 1^{er}*) Any person who, being able to dispose of the public force, has requested or ordered, or has had ordered or requested the action or use of it against the legally established levy of soldiers, will be punished by imprisonment. If this requisition or this order has been followed by its effect, the guilty party will be punished by detention (according to article 1 of the decree of

September 23, 1985).

Art. 72 - (*Decree of September 23, 1985, art. 1^{er}*) Any individual who sets fire to, or destroys by the explosion of a mine, or by any other means, buildings, stores, arsenals, vessels, and other properties belonging to the State will be punished by detention (according to article 1 of the decree of September 23, 1985).

Art. 73 - (*Decree of September 23, 1985, art. 1^{er}*) - Anyone who, either to invade domains, properties or public funds, places, cities, fortresses, posts, stores, arsenals, forts, vessels or buildings belonging to the State, or to plunder or divide public or national properties, or finally to attack or resist the public force acting against the perpetrators of these crimes, will be punished with detention.

The same punishment will be applied to those who have directed the association, raised or caused to be raised, organized or caused to be organized the gangs, or have knowingly and voluntarily supplied or procured for them arms, ammunition and instruments of crime, or sent convoys of supplies.

Art. 74 - (*Decree of September 23, 1985, art. 1^{er}*) In the event that one or more of the crimes mentioned in articles 63, 64, 68 have been committed or simply attempted by a gang, the penalty of detention will be applied without distinction of rank to all individuals who are part of the gang and who have been seized at the place of the seditious meeting.

Anyone who has directed the sedition, or has held any position or command in the band, will be punished with the same sentence, even if he is not seized at the scene.

Art. 75 - Except in the case where the seditious assembly has had as its object or result one or more of the crimes mentioned in articles 63, 64 and 68, individuals who are part of the bands mentioned above, without exercising any command or employment, and who are seized on the premises, will be punished by imprisonment.

Art. 76 - No punishment will be pronounced for the fact of sedition, against those who, having been part of these bands without exercising any command and without fulfilling any job or function, will have withdrawn at the first warning of the civil and military authorities when they will have been seized only outside the place of the seditious meeting without putting up any resistance and without weapons.

They will be punished, in this case, only for the particular crimes they have personally committed; and nevertheless, they may be sent back, for five years, or at most, up to ten years, under the special supervision of the high police of the State.

Art. 77 - The word weapons includes all machines, instruments or utensils that are sharp or blunt.

Pocket knives and scissors, simple canes will only be considered weapons if they are used to kill, injure, or strike.

III PROVISION COMMON AT BOTH PARAGRAPHS OF THIS SECTION

Art. 78 - Will be punished as guilty of the crimes mentioned in the present section, all those who, either by speeches held in public places or meetings, or by posted placards, or by printed writings, will have directly incited the citizens to commit them.

SECTION III - DISCLOSURE AND NON-DISCLOSURE OF CRIMES THAT JEOPARDIZE THE INTERNAL OR EXTERNAL SECURITY OF THE STATE

Art. 79.- All persons who, having had knowledge of plots or crimes planned against the internal or external security of the State, do not declare these plots or crimes, and do not reveal to the government or to the administrative or judicial police authorities the circumstances that come to their knowledge, all within twenty-four hours of said knowledge, shall, even if they are found to be free of any complicity, be placed under surveillance, for the sole fact of non-disclosure, under the supervision of the State, all within twenty-four hours following the said knowledge, will be, even if they are recognized as being free of any complicity, placed, for the sole fact of non-disclosure, under the special surveillance of the high police of the State, for a period of time that will not exceed five years.

Art. 80 - Those guilty of plotting or committing other crimes against the security of the State will be exempted from the sentences pronounced against them if, before any execution or attempt at execution of these plots or crimes, and before any prosecution has begun, they are the first to inform the authorities mentioned in the preceding article of these plots or crimes and their authors or accomplices, or if, even after the beginning of the prosecution, they have provided

the arrest of the said authors or accomplices.

The culprits who will have given this knowledge or procured these arrests can nevertheless be condemned to remain, for life or for time, under the special surveillance of the high police of the State.

CHAPTER II

CRIMES AND OFFENCES AGAINST THE CONSTITUTION

SECTION I - CRIMES AND OFFENSES RELATING TO THE EXERCISE OF POLITICAL RIGHTS

Art. 81 - When one or more citizens are prevented from exercising their political rights by means of an assembly, assault or threats, each of the guilty parties will be punished by imprisonment of at least three months and at most one year, and by disqualification from voting and being elected for at least five years and at most ten years.

Art. 82 - If this crime has been committed as a result of a concerted plan to be carried out, either in the entire Republic, or in one or more districts or municipalities, the penalty will be imprisonment.

Art. 83 - Any citizen who, being in charge, in a poll of the counting of the tickets containing the votes of the citizens, will be surprised falsifying these tickets, or by extracting from the mass, or by adding to it, or inscribing on the tickets of the unlettered voters of the names other than those which would have been declared to him will be punished of the civic degradation.

All other persons guilty of the above-mentioned acts shall be punished by imprisonment for at least three months and at most one year, and by a lifetime ban on the right to vote and to stand for election.

Art. 84 - Any citizen who, in the elections, buys or sells a vote, at any price, will be punished by prohibition of political rights and of any function or public employment, for at least five years and at most ten years.

In addition, the seller and the buyer of the vote will each be fined twice the value of the goods received or promised.

SECTION II - ATTACKS ON FREEDOM

Art. 85 - When a public official, agent or servant of the Government has ordered or carried out arbitrary acts that infringe upon the individual freedom or political rights of one or more citizens, or upon the Constitution, he will be sentenced to dismissal.

If, however, he justifies that he acted by order of his superiors, for matters within their competence, and for which they were due hierarchical obedience, he will be exempted from the penalty, which will be applied to the guilty party.

Art. 86 - Damages that could be pronounced because of the attacks expressed in the preceding article, will be requested, either in criminal proceedings, or by civil means, and will be settled, taking into account the persons, the circumstances and the harm suffered, without in any case, and whoever the injured individual may be, the said damages can be less than four gourdes, nor more than ten gourdes for each day of illegal and arbitrary detention, and for each individual

Art. 87 - If the act contrary to the Constitution has been made with a false signature of the name of a public official, the authors of the forgery and those who have knowingly made use of it, will be punished with hard labor for a period of time, the maximum of which will always be applied in this case.

Art. 88 Public officials, in charge of the administrative or judicial police, who have refused or neglected to comply with a legal complaint, tending to establish illegal and arbitrary detentions, either in houses destined for the custody of prisoners, or anywhere else, and who do not justify having denounced them to the superior authority, will be punished by dismissal, and will be held responsible for damages, which will be settled as stated in article 86.

Art. 89 - The guards and janitors of houses of detention, of arrest, of justice or of punishment, who have received a prisoner without a warrant or judgment, or without a provisional order from the Government; those who have detained him or have refused to represent him to the police officer or to the bearer of his orders, without justifying the defense of the Public Prosecutor's Office or of the judge; those who have refused to show their registers to the police officer, will be punished by three months to one year of imprisonment, as being guilty of arbitrary detention.

Art. 90 - All officers of the judicial police will be punished by dismissal, all

officers of the Public Prosecutor's Office, all judges who will have provoked, given or signed a judgment, an order or a warrant, tending to the personal prosecution or accusation, either of a high ranking civil servant, without the authorization of the Head of State, or of a member of the Legislative Body, against the provisions of the Constitution, or who, except in cases of flagrante delicto or of public clamor, will have, without the said authorization, or against the said provisions, given or signed an order or warrant to seize, or to arrest, one or several high ranking civil servants, or members of the Legislative Body.

Art. 91 - Officers of the Public Prosecutor's Office, judges or public officers who have detained or caused to be detained an individual outside of the places determined by the Government or by the public administration, or who have brought a citizen before a criminal court, without having been previously legally indicted, will also be punished by dismissal.

SECTION III - COALITION OF PUBLIC SERVANTS

Art. 92 - Any concert of measures contrary to the laws, practiced, either by the gathering of individuals or bodies, depositary of any part of the public authority, or by deputation or correspondence between them, will be punished by an imprisonment of at least one month and of three months at the most, against each guilty person, who can be condemned to the prohibition of political rights and of any public employment, during five years at the most.

Art. 93 - If, by any of the means expressed above, measures have been concerted against the execution of the laws or against the orders of the President of Haiti, the punishment will be imprisonment for a period of one to three years, and the sending under the supervision of the high police force of the State, for a period of not less than five years. If this concert takes place between the civil authorities and the military corps or their leaders, those who are the authors or provocateurs will be punished by imprisonment and the other culprits by imprisonment.

Art. 94 (*Decree of September 23, 1985*) - In the case that this concert had as its object or result a plot against the security of the State, the guilty parties will be punished by detention.

SECTION IV - ENCROACHMENT BY ADMINISTRATIVE AND JUDICIAL AUTHORITIES

Art. 95 - Will be guilty of forgery and punished by the degradation of the civic rights:

Judges, officers of the Public Prosecutor's Office, police officers, and administrative authorities who interfere with the exercise of legislative power either by regulations containing legislative provisions, or by stopping or suspending the execution of one or more laws, or by deliberating on the point of knowing whether the laws will be published or executed.

Art. 96 - The penalty shall be a fine of at least twenty gourdes and at most one hundred gourdes against each of the judges who, after a legal complaint by the interested parties or the competent authority, issue orders or warrants, without the authorization of the government, against its agents or servants, when they are accused of crimes or misdemeanors committed in the exercise of their functions.

The same penalty will be applied to the officers of the Public Prosecutor's Office or of the police, who have requested the said orders or warrants.

CHAPTER III

CRIMES AND OFFENCES AGAINST THE PUBLIC PEACE

SECTION I. FORGERY - COUNTERFEIT MONEY

Art. 97 - (*Decree of July 4, 1988*) Anyone who has counterfeited or altered legal tender in Haiti, or participated in the issuance of said counterfeit or altered currencies, or in their introduction into Haitian territory, will be punished with forced labor for life.

Art. 98 - Any individual who has counterfeited or altered foreign currency in Haiti, or participated in the issuance or introduction into Haiti of counterfeit or altered foreign currency, will be punished with forced labor for life.

Art. 99 - The participation stated in the previous articles does not apply to those who, having received for good counterfeit or altered coins, have put them back into circulation.

However, whoever makes use of the said coins, after having verified or caused to be verified the defects thereof, shall be punished by a fine of three times or less, and six times or more, the amount represented by the coins which he has returned to circulation, without this

The fine can, in no case, be less than sixteen gourdes.

Art. 100 - Those guilty of the crimes mentioned in articles 97 and 98 will be exempted from punishment, if, before the commission of these crimes and before any prosecution, they have given knowledge of them and revealed the authors to the constituted authorities, or if, even after the prosecution has begun, they have brought about the arrest of the other culprits.

II. COUNTERFEITING OF STATE SEALS, BANKNOTES, PUBLIC BILLS, STAMPS AND MARKS

Art. 101 - (Decree of July 4, 1988) Those who have forged the seal of the State or have used a forged seal;

Those who have counterfeited or falsified, either bills issued by the public treasury with its stamp, or banknotes authorized by law, or who have made use of these counterfeited or falsified bills and bills, or who have introduced them into Haitian territory;

Will be punished with hard labor for life.

Art. 102 - Those who will have counterfeited or falsified, either one or more national stamps, or the dies of the national mint, or the hammers of the State being used for the forest marks, or the punch or punches being used to mark the gold or silver materials, or who will have made use of the falsified or counterfeited papers, effects, stamps, hammers or punches, will be punished of the hard labor for life.

Art. 103 - Whoever has unduly obtained the real State seals, the real dies, the real stamps, hammers or punches, having one of the destinations expressed in the preceding article, will be punished with forced labor for time, and will have made an application or use prejudicial to the rights and interests of the State.

Art. 104 - Those who will have counterfeited the marks intended to be affixed, in the name of the Government, on the various species of commodities or goods, or who will have made use of these false marks.

Those who will have counterfeited the seal, stamp, mark of any authority, or of a particular banking or commercial establishment; or who will have used the counterfeited seals, stamps or marks.

Will be punished with imprisonment.

Art. 105 - Anyone who has unduly obtained the real seals, stamps or marks, having one of the purposes expressed in the preceding article, will be punished by imprisonment, if he has applied or used them in a way that is prejudicial to the rights or interests of the State, of any authority, or even of a particular establishment.

Art. 106 - The provisions of article 100 are applicable to the crimes mentioned in article 101.

III. FORGERY OF PUBLIC OR AUTHENTIC DOCUMENTS, AND OF COMMERCIAL OR BANK DOCUMENTS

Art. 107 - Any civil servant or public officer who, in the exercise of his functions, has committed a forgery,

Or by false signatures,

Either by alteration of acts, writings or signatures,

or by supposition of persons,

Or by entries made or inserted in registers or other public acts, since their making or closing,

Will be punished with hard labor for life.

Art. 108 - Any civil servant or public officer who, in drawing up the acts of his ministry, fraudulently distorts the substance or circumstances, either by writing agreements other than those which would have been drawn up or dictated by the parties, or by establishing as true facts which are false, or as confessed facts which were not true, will also be punished with life imprisonment.

Art. 109 - All other persons who have committed a forgery in an authentic or public writing or in a commercial or bank writing will be punished with hard labor for a period of time. Either by forgery or alteration of writings or signatures; or by fabrication of agreements, dispositions, obligations or discharges, or by their insertion after the fact in these acts; or by addition or alteration of

clauses, declarations or facts that these acts were intended to receive and record.

Art. 110 - In all the cases expressed in the present paragraph, the one who will have made use of the false acts will be punished with hard labor for time.

Art. 111 - The above provisions do not apply to forgeries of passports and travel documents, which will be dealt with in detail below.

IV. FORGERY IN PRIVATE WRITING

Art. 112 - Any individual who, in one of the ways expressed in article 109, commits a forgery in a private writing, will be punished by imprisonment.

Art. 113 - The one who will have made use of the false coin will be punished with the same penalty.

Art. 114 - The above provisions do not apply to false certificates of the type mentioned below.

V. FORGERIES IN PASSPORTS, WAYBILLS AND CERTIFICATES

Art. 115 - Anyone who fabricates a false passport or falsifies an originally genuine passport, or uses a fabricated or falsified passport, will be punished by imprisonment of at least one year and at most three years.

Art. 116 - Anyone who takes a supposed name in a passport, or who participates, as a witness, in having the passport issued under a supposed name, will be punished by a prison term of three months to one year.

Lodgers and innkeepers who knowingly enter in their registers, under false or assumed names, the persons lodged with them, will be punished by imprisonment of at least six days and at most one month.

Art. 117 - Public officers who issue a passport to a person whom they do not know personally, without having had his name and qualifications attested by two citizens known to them, will be suspended from six days to six months.

If the public officer, informed of the assumption of the name, has nevertheless issued the passport

under the supposed name, he will be punished by the reclusion.

Art. 118 - Anyone who fabricates a false roadmap, or falsifies an originally genuine roadmap, or makes use of a fabricated or falsified roadmap, shall be punished, namely

By imprisonment for a term of not less than one year and not more than three years, if the false waybill was intended only to deceive the supervision of the public authority.

To imprisonment, if the public treasury has paid the bearer of the false document road expenses that were not due to him, or that exceeded those to which he could have been entitled.

Art. 119 - The penalties set forth in the preceding article will be applied, according to the distinctions that are set forth therein, to any person who has been issued a roadmap by a public official under an assumed name.

Art. 120 - If the public officer was informed of the assumption of name, when he issued the sheet, he will be punished, namely :

In the first case of article 118, impeachment. And in the second case of the same article, of imprisonment.

Art. 121 - Any person who, in order to redeem himself or to free another from any public service, fabricates, under the name of a physician, surgeon or other health officer, a certificate of illness or infirmity, will be punished by imprisonment for one to three years.

Art. 122 - Any doctor, surgeon or other health officer who, in order to favor someone, falsely certifies illnesses or infirmities that are likely to exempt him from public service will be punished by imprisonment for one to three years.

If he has been moved by gifts or promises, he will be punished with the civic degradation.

Art. 123 - Anyone who, under the name of a civil servant or public officer, fabricates a certificate of good conduct, indigence, or other circumstances that are likely to attract the goodwill of the Government or of private individuals to the designated person, and to obtain for him a place, credit or assistance, will be punished by imprisonment for a period of six months to two years.

The same penalty will be applied.

1) To the person who falsifies a certificate of this kind, originally genuine, in order to appropriate it to a person other than the one to whom it was originally issued.

(2) To any person who has used the certificate so manufactured or falsified.

Art. 124 - False certificates of any other nature, which could result in injury to third parties or damage to the public treasury, will be punished, as appropriate, according to the provisions of paragraphs III and IV of this section.

COMMON PROVISIONS

Art. 125 - The application of the penalties against those who have made use of false, counterfeit, manufactured or falsified coins, banknotes, seals, stamps, hammers, marks and writings will cease whenever the forgeries have not been known by the person who has made use of the false thing.

Art. 126 - In all cases where the penalty of forgery is applied, a fine will be pronounced against the guilty parties, the maximum of which may be increased to one quarter of the illegitimate benefit that the forgery has procured, or was intended to procure, for the authors of the crime, their accomplices or those who made use of the false thing. The minimum fine cannot be less than twenty-four gourdes.

SECTION II - OF THE OFFENCES OF PUBLIC OFFICIALS IN THE PERFORMANCE OF THEIR DUTIES

Art. 127 - Any crime committed by a public official in the exercise of his duties is a forfeit.

Art. 128 - Any offence for which the law does not pronounce more serious penalties is punished by degradation of citizenship.

Art. 129 - Mere offenses do not constitute public officials in forfeiture.

I. SUBTRACTIONS COMMITTED BY PUBLIC OFFICIALS

Art. 130 - (*Law of February 16, 1927*) Any tax collector, any clerk of a collection office, depositary or public accountant who embezzles or steals public or private money or assets in lieu thereof or documents, titles, deeds, movable effects that were in his hands by virtue of his duties, shall be punished with hard labor for a period of time if the embezzled or stolen items are worth more than twenty-five thousand gourdes.

Art. 131 - (*Law of February 16, 1927*) If the embezzled or stolen valuables do not exceed twenty-five thousand gourdes, the penalty is imprisonment for at least one year and at most five years.

Art. 132 - (*Law of February 16, 1927*) In all cases of conviction for misappropriation of the kind mentioned in the two preceding articles, the guilty party will be deprived of all or part of the rights provided for in article 28 of the present code for a minimum of three years and a maximum of fifteen years after the sentence has been served or is time-barred.

Art. 133 - In the cases expressed in the three preceding articles, a fine will always be pronounced against the condemned person, the maximum of which will be a quarter of the restitutions and indemnities, and the minimum of a twelfth.

Art. 134 - Any judge, administrator, civil servant or public officer who destroys, deletes, subtracts or misappropriates the documents and titles of which he was the depositary in this capacity, which were given to him or communicated to him by reason of his functions, will be punished with hard labor.

All agents, servants or clerks either of the Government or of the public agents who are guilty of the same offences will be subject to the same punishment.

II. FROM CONCUSSIONS COMMITTED BY THE PUBLIC OFFICIALS

Art. 135 - All civil servants, all public officers, their clerks or employees, all collectors of duties, taxes, contributions, public or communal revenues, and their clerks or employees, who are guilty of the crime of embezzlement, by ordering to collect or by demanding or receiving what they know is not due,

or exceed what was due for duties, taxes, contributions, money or income, or for wages or salaries, will be punished, namely: the civil servants or the public officers, of the réclusion; and their clerks or agents, of an imprisonment of at least one year, and three years at most.

The culprits will also be fined a maximum of one quarter of the restitution and damages, and a minimum of one twelfth.

III. OFFENCES OF OFFICIALS WHO HAVE INTERFERED IN MATTERS INCOMPATIBLE WITH THEIR POSITION

Art. 136.- Any civil servant, whether civilian or military, any public officer, any agent of the Government, who, either openly, or by simulated acts, or by interposition of persons, shall have taken or received any interest whatsoever in acts, tenders, enterprises or régies of which he has or had, at the time of the act, in whole or in part, the administration or supervision, shall be punished by imprisonment for at least three months and at most one year, and shall be sentenced to imprisonment for at least one year, at the time of the act, in whole or in part, the administration or supervision, shall be punished by imprisonment for at least three months and at most one year, and shall be fined not more than one quarter of the restitutions and indemnities, nor less than one twelfth.

He will also be punished with impeachment.

This provision shall apply to any government officer or agent who has taken any interest in any matter in respect of which he or she was responsible for ordering the payment or making the settlement.

IV. CORRUPTION OF PUBLIC OFFICIALS

Art. 137 - Any public official of the administrative, judicial or military order, any agent or servant of a public administration who has accepted offers or promises, or received gifts or promises to do an act of his function or employment, even just, but not subject to salary, will be punished by degradation of citizenship and condemned to a fine of twice the value of the accepted promise or of the things received, without the said fine being able to be lower than fifty piasters.

Art. 138 - The preceding provision is applicable to any civil servant, agent or employee, of the above-mentioned quality, who by means of offers or approved www.haitijustice.com

promises, gifts or presents received, will have abstained from doing an act which was within the scope of his duties.

Art. 139 - In the case that corruption has as its object a criminal act, it will be punished with the same penalty as this act.

Art. 140.- Whoever coerces or attempts to coerce by means of assault or threats, or bribes or attempts to bribe by means of promises, offers, gifts or presents, a civil servant or agent of the quality expressed in article 137, in order to obtain either a favorable opinion, or reports, statements, certificates or estimates contrary to the truth, or positions, jobs, contracts, businesses or other benefits of any kind, or any other act of the ministry of the civil servant, agent or agent, shall be punished by the law, statements, certificates, or estimates contrary to the truth, or places, jobs, tenders, businesses or other benefits, or any other act of the ministry of the civil servant, agent or servant, will be punished by imprisonment from one to three years.

Art. 141 - The corrupter will never be given back the things he delivered, nor their value: they will be confiscated for the benefit of the public fund

Art. 142 - If a judge pronouncing in criminal matters or a juror has allowed himself to be corrupted, either in favor of or to the detriment of the accused, he will be punished with imprisonment, in addition to the fine imposed by article 137

Art. 143 - If, as a result of corruption, a sentence greater than imprisonment has been imposed, this sentence, whatever it may be, will be applied to the judge or juror guilty of corruption.

Art. 144 - Any judge or administrative authority, who has decided in favor of a party, or out of enmity against it, will be guilty of forfeiture and will be punished by degradation of citizenship.

V. ABUSE OF AUTHORITY

First class - Abuse of authority against individuals

Art. 145 - Any judge, officer of the Public Prosecutor's Office, administrator or any other judicial or police officer who enters the home of a citizen, except in cases provided for by law and without the formalities prescribed by law, shall be punished by a fine of at least sixteen gourdes and at most forty-eight gourdes.

Art. 146 - Any judge or court which, under any pretext whatsoever, even from the silence or obscurity of the law, will have refused to render the justice which it owes to

the parties,

after having been requested to do so, and who will have persevered in his denial, after warning or injunction of his superiors, may be prosecuted, and will be punished by a fine of at least forty-eight gourdes and ninety-six gourdes at the most, and by the prohibition of public functions for one year to five.

Art. 147 - When a civil servant or public officer, or an administrator or agent or servant of the government or the police, an executor of judicial or judgment mandates, a commander in chief, or in sub-order, of the police force, has, without legitimate reason, used or caused to be used violence against persons, in the exercise or on the occasion of the exercise of his functions, he will be punished according to the nature or gravity of his violence, and by increasing the punishment according to the rule established in article 159 below.

Art. 148 - Any suppression or opening of letters entrusted to the post office, committed or facilitated by a civil servant or agent of the government or of the postal administration, will be punished by a fine of sixteen gourdes to sixty-four gourdes. The guilty party will also be prohibited from any public function or employment for at least one year and at most three years.

Second class - Abuse of authority against the public thing

Art. 149 - Any public official, whether civilian or military, any agent or servant of the government, of whatever state or rank, who has requested or ordered, or has had requested or ordered, the action or use of public force against the execution of a law or against the collection of an order or warrant of justice, or of any other order emanating from legitimate authority, shall be dismissed and sentenced to three years in prison.

If this requisition or order has been followed by its effect, the penalty will be imprisonment.

Art. 150 - Any public official, whether civilian or military, any agent or servant of the Government of any state or rank, who violates or allows to be violated a law that he was, by the nature of his functions or employment, specially called upon to execute or to have executed, will be punished by the following penalties

1°) Impeachment and from six months to one year of imprisonment, in the case of special laws containing prescriptions for the guarantee of the good management of the

public fortune;

2°) From three to six months of imprisonment when it concerns all other laws whose infraction is not already punished by the present Code. All of this without prejudice to the reparations and damages to which the infraction may have given rise.

Art. 151 - The penalties set forth in articles 149 and 150 shall not cease to be applicable to civil servants or employees who have acted by order of their superiors, unless the order was given by the latter for matters within their competence and for which they were due hierarchical obedience; in this case, the penalties set forth above shall only be applied to the superiors who first gave the order.

Art. 152 - If, as a result of the said orders or requisitions, other crimes occur which are punishable by greater penalties than those expressed in articles 149 and 150, these greater penalties will be applied to the civil servants, agents or employees guilty of having given the said orders or made the said requisitions.

VI. SOME OFFENCES RELATING TO THE KEEPING OF CIVIL STATUS RECORDS

Art. 153 - Civil registrars who record their acts on simple loose sheets of paper shall be punished by imprisonment of at least one month and at most three months, and by a fine of sixteen gourdes to forty-eight gourdes.

Art. 154 - When, for the validity of a marriage, the law prescribes the consent of the father, mother or other persons, and the civil registrar is not sure of the existence of this consent, he shall be punished by a fine of sixteen gourdes to sixty-four gourdes, and by imprisonment of six months to one year at most.

Art. 155 - The civil registrar will also be punished with a fine of sixteen gourdes to sixty-four gourdes, when he receives, before the term prescribed by article 213 of the Civil Code, the marriage certificate of a woman who has already been married.

Art. 156 - The penalties set forth in the preceding articles against civil registrars will be applied to them, even if the nullity of their acts has not been requested or has been covered up; all of this without prejudice to the greater penalties pronounced in the case of collusion, and without prejudice to the other penal provisions

of the Law N° 6 of the Civil Code on Marriage.

VII. THE UNLAWFUL ANTICIPATION OR EXTENSION OF T H E EXERCISE OF PUBLIC AUTHORITY

Art. 157 - Any public official who enters into the exercise of his duties without having taken the oath prescribed by law may be prosecuted and will be punished by a fine of sixteen gourdes to sixty-four gourdes.

Art. 158 - Any civil or military official, revoked, dismissed, suspended or legally prohibited, who, after having had official knowledge, continues to exercise his functions or who, being an elected or temporary official, exercises them after having been replaced, will be punished by imprisonment of at least six months and at most two years, and a fine of between twenty-four and ninety-six gourdes. He will be forbidden to exercise any public function, for at least one year and at most three years, starting from the day when he will have undergone his sentence; all without prejudice to the stronger penalties brought against officers or military commanders, by article 70 of the present Code.

SPECIFIC PROVISIONS

Art. 159 - Apart from the cases in which the law specifically regulates the penalties for crimes or misdemeanors committed by public officials or officers, whether civil or military, those of them who participate in other crimes or misdemeanors that they were responsible for supervising or repressing, will be punished as follows

If it is a correctional offence, they will always suffer the maximum penalty attached to the type of offence.

In the case of crimes that carry a penalty of affliction, they will be sentenced, namely :

To hard labor, if the crime carries, against any other culprit, the penalty of imprisonment;

To hard labor for life, when the crime is punishable by hard labor for a period of time against any other culprit;

In addition to the cases mentioned above, the common penalty will be applied without

worsening.

SECTION III - DISTURBANCES OF THE PUBLIC ORDER BY MINISTERS OF RELIGION IN THE EXERCISE OF THEIR MINISTRY

I. Contraventions likely to compromise the civil status of persons

Articles **160** and **161** are repealed by article 2 of the law of July 20, 1929

II. CRITICISM, CENSURE OR PROVOCATION OF PUBLIC AUTHORITY IN A PUBLICLY DELIVERED PASTORAL SPEECH

Art. 162 - Ministers of Cults who, in the exercise of their ministry and in public assembly, make a speech containing criticism or censure of the Government, of a law, of a decree of the Head of State, or of any other act of public authority, will be punished by imprisonment of three months to one year.

Art. 163 - If the speech contains a direct provocation to disobedience to the laws or other acts of the public authority, or if it tends to raise or arm a part of the citizens against the others, the minister of religion who pronounces it, will be punished by imprisonment of one to three years, if the provocation has not been followed by any effect; and by imprisonment, if it has given rise to disobedience, other than that which would have degenerated into sedition or revolt

Art. 164 - When the provocation has been followed by a sedition or revolt, the nature of which will lead to a punishment greater than that of imprisonment for one or more of the guilty parties, this punishment, whatever it may be, will be applied to the minister guilty of the provocation.

III. CRITICISM, CENSURE, OR PROVOCATION DIRECTED AGAINST PUBLIC AUTHORITY IN A PASTORAL WRITING

Art. 165 - Any writing containing pastoral instructions, in whatever form, and in which a minister of religion has interfered to criticize or censure either the Government or any act of the public authority, will carry the penalty of imprisonment from one to three years against the minister who has published it.

Art. 166 - If the writing mentioned in the preceding article contains a direct provocation to disobey the laws or other acts of the public authority, or if it tends to raise or arm a part of the citizens against the others, the minister who publishes it will be punished with imprisonment.

Art. 167 - When the provocation contained in the pastoral writing has been followed by a sedition or revolt, the nature of which will give rise to a punishment greater than that of imprisonment for one or more of the guilty parties, this punishment, whatever it may be, will be applied to the minister guilty of the provocation.

III. CORRESPONDENCE OF MINISTERS OF RELIGION WITH FOREIGN COURTS OR POWERS ON MATTERS OF RELIGION

Art. 168 - Any minister of a religion who has maintained correspondence with a foreign court or power on religious matters without having previously informed the Government and without having obtained its authorization, will be punished by a fine of one hundred gourdes to five hundred gourdes for this sole fact.

Art. 169 - If the correspondence mentioned in the preceding article was accompanied or followed by other acts contrary to the formal provisions of a law or an order of the Head of State, the guilty party will be punished by imprisonment, unless the punishment resulting from the nature of these acts is greater, in which case only the greater punishment will be applied

SECTION IV - RESISTANCE, DISOBEDIENCE AND OTHER BREACHES OF PUBLIC AUTHORITY

I. REBELLION

Art. 170 - Any attack, any resistance with violence and assault against ministerial officers, or the police force, the officials in charge of collecting taxes and contributions, their constraint bearers, the customs officials, the receivers, the officers or agents of the administrative or judicial police, acting for the execution of laws, orders, or ordinances of the public authority, of judicial mandates or judgments, is qualified, according to the circumstances, as a crime or misdemeanor of rebellion

Art. 171 - If it was committed by more than twenty armed persons, the guilty parties will be punished with hard labor for a period of time; and if they did not carry weapons, they will be punished with imprisonment.

Art. 172 - If the rebellion was committed by an armed group of three or more people, up to and including twenty, the punishment will be imprisonment; if no weapons were carried, the punishment will be imprisonment for at least six months and at most two years.

Art. 173 - If the rebellion was committed by only one or two persons, with weapons, it will be punished by imprisonment from six months to two years; and if it took place without weapons, by imprisonment from six days to six months.

Art. 174 - In case of rebellion with a band or an assembly, article 76 of the present code will be applicable to rebels without functions or jobs in the band, who will have withdrawn at the first warning of the public authority, or even since, if they have only been seized outside the rebellion, and without new resistance and without weapons

Art. 175 - Any gathering of individuals for a crime or misdemeanor is considered an armed gathering when more than two people carry visible weapons.

Art. 176 - Persons who are found with concealed weapons and who have been part of a troop or meeting that is not considered to be armed will be individually punished as if they had been part of an armed troop or meeting.

Art. 177 - The perpetrators of crimes and misdemeanors committed during the course of and on the occasion of a rebellion, will be punished with the penalties pronounced against each of these crimes, if they are more severe than that of the rebellion.

Art. 178 - Anyone who has provoked a rebellion, either by speeches in public places or meetings, or by posted signs, or by printed writings, will be punished as guilty of rebellion. In the case where the rebellion has not taken place, the provoker will be punished by an imprisonment of at least six days and at most one year.

Art. 179 - In all cases where a simple sentence of imprisonment is pronounced for the act of rebellion, the guilty parties may also be condemned to a fine of sixteen gourdes to forty-eight gourdes.

Art. 180 - Those which are formed with or without weapons, and accompanied by violence or threats against the public authority, police officers and agents, or against the police force, will be punished as rebel meetings.

- 1.) by workers or day laborers, in public workshops or factories;
- 2.) by individuals admitted to hospices;
- 3.) by the accused, accused or convicted prisoners.

Art. 181. - The punishment applied for rebellion to prisoners accused, charged or convicted of other crimes or offenses, shall be suffered by them, namely

By those who, because of the crimes or offenses that caused their detention, are or would be sentenced to a non-capital or life sentence, immediately after the expiration of this sentence;

And by the others, immediately after the judgment or ruling of last resort, which will have acquitted or dismissed them from the fact for which they were detained.

Art. 182 - The leaders of a rebellion, and those who have provoked it, can be condemned to remain, after the expiration of their sentence, under the special surveillance of the high police of the State, for at least one year and at most three years.

II. OUTRAGE, VIOLENCE TO THE DEPOSITORY OF AUTHORITY AND LAW ENFORCEMENT

Art. 183 - When one or several magistrates of the administrative or judicial order, in the exercise of their functions or on the occasion of this exercise, have received some insult, by words or in writing, which could incriminate their honor or delicacy, the one who has thus insulted them, will be punished by an imprisonment of three months to one year.

Art. 184 - Insulting a magistrate by gesture or threats, in the exercise or on the occasion of the exercise of his functions, will be punished by imprisonment from one month to one year.

Art. 185 - Contempt by word, gesture or threat to any ministerial officer or agent of the public force, in the exercise or on the occasion of the exercise of his functions, shall be punished by a fine of sixteen gourdes to forty gourdes.

Art. 186 - The penalty will be from six days to one month imprisonment, if the contempt mentioned in the preceding article was directed against an officer commanding the police force.

Art. 187 - In the cases of articles 183 and 184, if the insult was directed against a high ranking civil servant or a member of the Legislative Body, in the exercise of his functions, or on the occasion of this exercise, the punishment will be from one to three years imprisonment; and if the insult or violence was followed by an assault, the punishment will be imprisonment

Art. 188 - Any individual, who, even without weapons, and without resulting in injury, strikes a magistrate in the exercise of his duties, or on the occasion of this exercise, will be punished by imprisonment for one to three years.

If the assault took place in a court of law, the guilty party will be punished by imprisonment.

Art. 189 - Violence of the type described in the preceding article, directed against a ministerial officer, an agent of the police force, or a citizen in charge of a public service ministry, if it occurred while they were exercising their ministry or on this occasion, will be punished by imprisonment for a period of one to six months.

Art. 190 - (*Decree of July 4, 1988*) If the violence committed against the civil servants and agents designated in articles 187, 188 and 189 was the cause of bloodshed, injury or illness, the punishment will be, in the case of article 187, hard labor for a period of time; in the case of article 188, imprisonment; in the case of article 189, imprisonment for one to three years; if death ensued within forty days, the guilty party will be sentenced to hard labor for life. 189, imprisonment for one to three years; if death ensued within forty days, the guilty party shall be sentenced to hard labor for life.

Art. 191 - Even if this violence has not caused bloodshed, injury or illness, the blows will be punished with the penalties prescribed by the preceding article, with the distinctions established therein, if they were carried out with premeditation or ambush.

Art. 192 - If the wounds are of the nature of murder, the guilty party will be sentenced to forced labor for life.

III. REFUSAL OF A SERVICE FROM THE LAW

Art. 193 - The penal laws and regulations related to military recruitment will continue to be executed.

Art. 194 - Witnesses and jurors who have alleged a false excuse will be condemned, in addition to the fines pronounced for non-appearance, to a fine of sixteen gourdes.

IV. ESCAPE OF PRISONERS, CONCEALMENT OF CRIMINALS

Art. 195 - **Whenever** an escape of detainees takes place, the bailiffs, the commanders in chief or in sub-order, either of the gendarmerie, or of the armed force serving as escort or manning the posts, the janitors, guards, jailers and all other persons in charge of the conduct, transportation or guarding of the detainees, will be punished as follows

Art. 196 - If the escapee was accused of correctional offenses or simply infamous crimes, or if he was a prisoner of war, those in charge of his custody or conduct will be punished, in case of negligence, with imprisonment from six days to two months; and in case of connivance, with imprisonment from six months to two years Those who, not being in charge of the custody or conduct of the prisoner, will have procured or facilitated his escape, will be punished by six days to three months of imprisonment.

Art. 197 - If the escaped prisoners, or one of them, are accused of a crime that could lead to a temporary or afflictive punishment, or convicted of one of these crimes, the punishment will be against those in charge of the custody or the conduct, in the case of negligence, an imprisonment of two to six months; in the case of connivance, imprisonment.

Art. 198 - If the escapees, or any of them, are accused of crimes that could lead to the death penalty or life sentences, or if they are condemned to one of these penalties, their drivers or guardians will be punished with one to two years of imprisonment, in case of negligence, and with hard labor in case of connivance

Individuals not responsible for driving or guarding who have facilitated or procured the escape, will be punished by imprisonment of at least one year, but not more than three years.

Art. 199 - If the escape has taken place or has been attempted with violence or breaking of prison, the penalties against those who have favored it by providing www.haitijustice.com

instruments suitable for

to operate it, will be, in the case that the escapee was of the quality expressed in the article 196, three months to two years of imprisonment, in the case of the article 197, two to five years of imprisonment, in the case of the article 198, the reclusion.

Art. 200 - In all of the above cases, when third parties who have procured or facilitated the escape have done so by corrupting the guards or jailers, or in collusion with them, they will be punished with the same penalties as the said guards and jailers.

Art. 201 - If the escape with breakage or violence was encouraged by the transmission of weapons, the guards and drivers who participated in it will be punished with hard labor for life; the other persons will be punished with hard labor for time.

Art. 202 - All those who have connived at the escape of a prisoner will be jointly and severally condemned, as damages, to all that the civil party of the prisoner would have had the right to obtain against him.

Art. 203.- With respect to prisoners who escape or attempt to escape by breaking prison or by violence, they shall be punished for this act alone with six months to one year in prison, and shall be subject to this punishment immediately after the expiration of the sentence they incurred for the crime or misdemeanor for which they were detained or immediately after the judgment that acquits them or discharges them of said crime or misdemeanor; all without prejudice to greater penalties that they may have incurred for other crimes that they have committed in their violence.

Art. 204 - Whoever is sentenced, for having favored an escape or attempted escape, to a prison term of more than six months, may, in addition, be placed under the special surveillance of the high police of the State, for an interval of three to nine years.

Art. 205 - The prison sentences established above against the drivers or guards, in the case of negligence only, shall cease when the escapees are recaptured or represented, provided that it is within four months of the escape, and that they are not arrested for other crimes or offenses committed subsequently.

Art. 206 - Those who conceal or cause to be concealed persons whom they know to have committed crimes carrying a penalty of affliction, shall be punished by at least

three months' imprisonment and at most two years.

Excluded from this provision are ascendants or descendants, spouses, even if divorced, brothers or sisters of concealed criminals or their relatives of the same degree.

V. BREAKING OF SEALS AND REMOVAL OF PARTS FROM PUBLIC STORAGE

Art. 207 - When seals affixed either by order of the Government, or following a court order in any matter whatsoever, have been broken, the guardians shall be punished for simple negligence by six days to six months in prison.

Art. 208 - If the breaking of the seal applies to the papers and effects of a person accused or charged with a crime carrying the death penalty or forced labor for life, or who is sentenced to one of these penalties, the negligent custodian will be punished by six months to two years in prison.

Art. 209 - Anyone who intentionally breaks seals affixed to papers or effects of the quality stated in the preceding article, or participates in the breaking of seals, shall be punished by imprisonment; and if it is the guardian himself, he shall be punished by hard labor for a period of time.

Art. 210 - For all other breaches of seals, the guilty parties will be punished by three months to one year in prison; and if it is the keeper himself, he will be punished by one to three years of the same penalty.

Art. 211 - Any theft committed by breaking the seal will be punished as theft committed by breaking and entering.

Art. 212 - As for the removal, destruction and abduction of documents or criminal proceedings, or other papers, registers, acts and effects contained in archives, registries or public deposits, or handed over to a public depositary, in this capacity, the penalties will be, against clerks, archivists, notaries or other negligent depositaries, a fine of twenty-four gourdes to sixty-four gourdes.

Art. 213 - Whoever is guilty of the abductions, kidnappings or destructions mentioned in the preceding article, will be punished by imprisonment. If the crime is the work of the depositary himself, he will be punished with hard labor.

Art. 214 - If the breaking of seals, the removal, abduction or destruction of items were committed with violence against persons, the penalty will be, against any person, that of hard labor for a period of time, without prejudice to a more severe penalty, if necessary, according to the nature of the violence and other crimes that are attached.

VI. DAMAGE TO MONUMENTS

Art. 215 - Anyone who cuts down, mutilates or damages monuments, statues and other objects intended for public use or decoration, and erected by the public authority or with its authorization, will be punished by imprisonment of one month to one year.

Art. 216 - If there has been destruction, the penalty will be imprisonment of one to two years.

VII. USURPATION OF TITLES OR FUNCTIONS

Art. 217 - Anyone who, without a title, interferes in public civil or military functions, or performs the acts of one of these functions, will be punished by imprisonment of one to three years, without prejudice to the penalty of forgery, if the act has the character of this crime.

Art. 218.- Any person who publicly wears a costume, uniform or decoration that does not belong to him or who attributes to himself public titles that have not been legally conferred upon him, in particular those known as "Mandataires forains" and all those who, without being lawyers or authorized agents, are usually granted a mandate to proceed with claims to landed property, to solicit permits to survey shall be liable to the criminal court and to imprisonment for a period of not less than six months and not more than two years, without prejudice to other proceedings and penalties if necessary.

VIII. HINDRANCE TO THE FREE EXERCISE OF WORSHIP

Art. 219 - Any private individual who, by assault or threats, has forced or prevented one or more persons from practicing one of the authorized religions, from attending the practice of this religion, from celebrating certain holidays, from observing certain days of rest, and, consequently, from opening or closing their workshops, stores or stores, and from leaving certain jobs, will be punished, for this sole fact, by imprisonment of six days to two months.

Art. 220 - Those who have prevented, delayed or interrupted the practice of a cult by disturbances or disorders caused in the temple or other place destined or currently used for these practices, will be punished by an imprisonment of six days to three months.

Art. 221 - Any person who, by word or gesture, offends the objects of a cult in the places destined or currently used for its service or the ministers of this cult in their functions, will be punished by an imprisonment of fifteen days to six months.

Whoever strikes a minister of a cult in his functions, will be punished by imprisonment.

Art. 223 - The provisions of the present paragraph apply only to disturbances, insults and assaults whose nature and circumstances do not give rise to greater penalties, according to the other provisions of the present code.

SECTION IV BIS

I. CRIMINAL ASSOCIATIONS

Art. 224 - (*L. 27 Oct. 1864*) Any association of criminals against persons or property is a crime against the public peace.

Art. 225 - (*L. 27 Oct. 1864*) - This crime exists by the mere fact of the organization of gangs or of correspondence between them and their leaders or commanders, or of agreements tending to account for or distribute or share the proceeds of misdeeds.

Art. 226 - (*L. 27 Oct. 1864*) - When this crime has not been accompanied or followed by any other, the authors, directors of the association, and the commanders in chief or in sub-order of these gangs, will be punished with forced labor for a period of time.

Art. 227 - (*L. 27 Oct. 1864*) - All other individuals charged with any kind of service in these bands and those who knowingly and voluntarily provide the bands or their divisions with weapons, ammunition and instruments of crime will be punished by imprisonment.

II. VAGABONDAGE

Art. 227-1 (*L. 27 Oct. 1864*) - Vagrancy is a crime.

Art. 227-2 - Vagrants or people without a confession are those who have neither a definite place of residence, nor means of support, and who do not usually practice either a trade or a profession.

Law of July 3, 1935 - Are considered as vagrants, the minors of 18 years old who, having without legitimate cause left either the residence of their parents or guardians or the places where they were placed by those to whose authority they were subjected, or entrusted, were found, either wandering, or living in a garrison and not regularly exercising any profession, or drawing their resources from debauchery.

Art. 227-3 - (*Decree of September 30, 1983*) "Vagrants or people without a confession who have been legally declared as such, will be punished by an imprisonment of one month to six months. In case of recidivism, they will be punished by an imprisonment of six months to two years.

If the culprits are minors, they will be sent to a re-education institution until they come of age"

Art. 227-4 - (*L. 27 Oct. 1864*) - Vagrants may, after a judgment, even if it has become final, be claimed by a deliberation of the municipal council of the town where they were born, or be guaranteed by a solvent citizen.

"If the Government grants the claim, or approves the surety, the individuals so claimed or surety, shall by its orders, be returned or taken to the commune which claimed them, or to that which shall be assigned to them, upon the request of the surety."

Art. 227-5 (*L. 27 Oct. 1864*) - Individuals declared vagrants by judgment may, if they are foreigners, be expelled by order of the Government from the territory of the Republic.

III. MENDICITY

Art. 227-6 - (*L. 27 Oct. 1864*) - Any able-bodied person who is found begging shall be punished by imprisonment for a period of six days to six months and shall be sent back, after the expiration of his sentence, to the place of residence designated by the Public Prosecutor.

Art. 227-7 (*L. 27 Oct. 1864*) - All beggars, even invalids, who have used threats or

have entered without the permission of the owner or of the people in his house, either in an inhabited house or in an enclosure depending on it, or who

who pretend to have a wound or infirmity, or who beg in a group, unless they are husband and wife, father or mother and young children, the blind man and his driver, will be punished by imprisonment from three months to one year.

IV. COMMON PROVISIONS FOR BEGGARS AND VAGRANTS

Art. 227-8 (*L. 27 Oct. 1864*) - Any beggar or vagrant who has been seized in any way disguised;

Or carrying weapons, although he did not use or threaten them;

Or provided with files, hooks or other instruments, suitable, either to commit robberies or other offences, or to provide him with the means to penetrate houses, will be punished by one year to three years of imprisonment.

Art. 227-9 - (*L. 27 Oct. 1864*) - Any beggar or vagrant, who has exercised any act of violence against people, will be punished by imprisonment, without prejudice to stronger penalties, if necessary, because of the type and circumstances of the violence.

Art. 227-10 - (*L. 27 Oct. 1864*) - The penalties established by the present code, against individuals carrying false certificates, false passports or false travel documents, will always be increased to the maximum, when they are applied to vagrants or beggars.

Art. 227-11 - (*L. 27 Oct. 1864*) - Vagrants or valid beggars who have been subjected to the penalties provided for in the preceding articles shall remain in the residence assigned to them under the supervision of the State's high police force for as long as they do not provide proof of any means of support or bail.

Art. 227-12 - (*L. 27 Oct. 1864*) - Disabled beggars will remain at the end of these sentences, under the special supervision of the high police of the State, from one year to three years.

SECTION V - OFFENCES COMMITTED BY MEANS OF WRITINGS, IMAGES OR ENGRAVINGS DISTRIBUTED WITHOUT THE NAME OF THE AUTHOR, PRINTER OR ENGRAVER

Art. 228 - Any publication or distribution of works, writings, notices, bulletins, posters, newspapers, periodicals or other printed matter, in which the following are not included

If the author or the printer's name, profession or residence are not correctly indicated, the author or the printer will be punished by a prison sentence of six days to six months, against any person who has knowingly contributed to the publication or distribution.

Art. 229 - This provision will be reduced to simple police penalties:

1°) With regard to the criers, posters, sellers or distributors who will have made known the person from whom they hold the incriminated writing;

2°) With regard to whoever will have made known the printer ;

3°) With regard to the printer who will have made known the author.

Art. 230 - If the printed document contains provocations to crimes or offenses, the posters, salesmen and distributors will be punished as accomplices of the provocateurs, unless they have made known those from whom they hold the document containing the provocation.

In the event of revelation, they will only incur an imprisonment of six days to three months, and the penalty of complicity will remain applicable only to those who will not have made known the persons from whom they will have received the printed document and to the printer if he is known.

Art. 231 - In all the above cases, the seized copies will be confiscated.

Art. 232 - Any introduction, exhibition or distribution of songs, pamphlets, books, figures or images contrary to good morals, will be punished by imprisonment of one month to one year, and by the confiscation of the plates and printed or engraved copies of the songs, figures or other objects of the offence

Art. 233 - The sentence of imprisonment will be reduced to a simple police sentence:

1°) With regard to the criers, salesmen, or distributors who will have made known the person who will have given them the object of the offence;

2°) With regard to whoever will have made known the printer or the engraver;

3°) Even with regard to the printer or engraver who will have made known the author or the person who will have charged them with the printing or the engraving.

Art. 234 - In all the cases expressed in the present section, and where the perpetrator is recognized, he will be subjected to the maximum penalty attached to the type of crime.

SPECIFIC PROVISION

Art. 235 - Any individual who, without having been authorized by the justice of the peace, will do the trade of crier or poster of printed writings, drawings or engravings, even provided with the names of author, printer, draftsman or engraver, will be punished by an imprisonment from six days to two months.

SECTION VI - UNLAWFUL ASSOCIATIONS OR MEETINGS

Art. 236 - No association of more than twenty people, whose purpose is to meet every day or on certain marked days, to deal with religious, literary, political or other matters, may be formed without the approval of the Government, and under the conditions that the public authorities may impose on the society.

The number of persons indicated in this article does not include those domiciled in the house where the association meets.

Art. 237 - Any association of more than twenty persons, of the nature of that expressed above, which is formed without authorization, or which, after having obtained it, violates the conditions imposed upon it, will be dissolved.

The leaders, directors, or administrators of the association, will be further punished by a fine of sixteen gourdes to forty-eight gourdes.

Art. 238.- If by speeches, exhortations, invocations or prayers, in any language whatsoever, or by reading, posting, publication or distribution of any writings whatsoever, there has been, in these assemblies, any provocation to crimes or offenses, the penalty shall be from three months to one year of imprisonment, against the leaders, directors and administrators of these associations, without prejudice to the stronger penalties which would be brought by law against the individuals personally guilty of the provocation, who, in no case, may be punished by the law, directors and administrators of these associations, without prejudice to the more severe penalties that may be imposed by law on individuals personally guilty of incitement, who, in no case, may be punished by a lesser penalty than that imposed on the leaders, directors and administrators of the association.

Art. 239 - Any individual who has granted or consented to the use of his house or apartment, in whole or in part, for the meeting of the members of an association, not

authorized, of more than twenty persons, and of the nature of that expressed in art. 236 bis, will be punished by a fine of sixteen gourdes to forty gourdes.

TITLE II
CRIMES AND OFFENCES AGAINST INDIVIDUALS

CHAPTER I
CRIMES AND OFFENCES AGAINST PERSONS

SECTION I - MURDER AND OTHER CAPITAL OFFENCES
THREATENING ATTACKS ON PERSONS

I. MURDER, MURDER, ASSASSINAT, PARRICIDE,
INFANTICIDE, POISONING

Art. 240 - Homicide committed voluntarily is qualified as murder.

Art. 241 - Any murder committed with premeditation or ambush is qualified as murder.

Art. 242 - Premeditation consists in the intention formed, before the action, to attack the person of a specific individual, or even of the person who will be found or encountered, even if this intention depends on some circumstance or condition.

Art. 243 - An ambush consists of waiting for a person, in one or several places, for a longer or shorter period of time, in order to kill him or to carry out acts of violence against him.

Art. 244 - Is qualified as parricide, the murder of the legitimate or natural father or mother, or of any other legitimate or natural ascendant.

Art. 245 - The murder of a newborn child is considered infanticide.

Art. 246 - Any attempt on a person's life by the effect of substances that can cause death more or less quickly, from

in whatever way these substances were used or administered, and whatever the consequences were.

Is also qualified as an attempt on a person's life, by poisoning, the use which will be made against him/her of substances which without giving death, will have produced a more or less prolonged lethargic state, in whatever way these substances have been used and whatever the consequences have been.

If, as a result of this lethargic state, the person was buried, the attack will be qualified as murder.

Art. 247 - (*Decree of July 4, 1988*) - Anyone guilty of murder, parricide, infanticide or poisoning will be punished with hard labor for life.

Art. 248 - All criminals, regardless of their name, who use torture or commit acts of barbarism in the execution of their crimes, will be punished as guilty of murder.

Art. 249 - (*Decree of July 4, 1988*) Murder shall carry the penalty of life imprisonment with hard labor (as amended by the decree of July 4, 1988), when it precedes, accompanies or follows another crime or misdemeanor.

II. THREATS

Art. 250 - (*Decree of July 4, 1988*) Anyone who threatens, by anonymous or signed writing, to murder, poison, or any other attack against persons, which would be punishable by life imprisonment, will be punished by imprisonment with hard labor if the threat was made with an order to deposit a sum of money in a specified place, or to fulfill any other condition.

Art. 251 - If this threat was not accompanied by any order or condition, the penalty will be imprisonment for at least one year and at most three years.

Art. 252 - If the threat made with an order or under conditions was verbal, the guilty party will be punished by an imprisonment of three months to one year.

Art. 253 - In the cases provided for in the two preceding articles, the guilty party may also be placed, by judgment, under the special supervision of the high police of

the State, for a minimum of three years and a maximum of nine years.

SECTION II - INTENTIONAL INJURY AND ASSAULT NOT QUALIFIED AS MURDER, AND OTHER INTENTIONAL CRIMES OR OFFENCES

Art. 254 - (*Law of February 16, 1927*) - Any individual who voluntarily wounds or beats someone or commits any other violence or assault, if these kinds of violence result in illness or incapacity to work for more than twenty days, will be punished by imprisonment for one to three years.

If the above-mentioned violence has caused mutilation, amputation, or deprivation of the use of a limb, blindness, loss of an eye, or other permanent infirmities, the guilty party will be punished with imprisonment.

If the blows or wounds made voluntarily, but without intention to give death, have nevertheless caused it, the guilty party will be punished with hard labor for time.

Art. 255 - (*Law of February 16, 1927*) - When there is premeditation or ambush, the penalty will be life imprisonment with hard labor, if death results; if the violence has caused mutilation, amputation, or deprivation of the use of a limb, blindness, loss of an eye or other permanent infirmities, the penalty will be time imprisonment with hard labor. 254, the penalty shall be imprisonment.

Art. 256 - (*Law of July 25, 1878*) - When the wounds or blows which result in contusions do not cause any illness or personal work incapacity of the type mentioned in article 254, the guilty party will be punished by imprisonment of one month to one year.

If the blows are to the face, the culprit will be punished by imprisonment from six months to two years.

If there was premeditation or ambush, the imprisonment will be, in the first case, from three months to three years, and in the second case, from one year to three years.

Art. 257 - In the cases provided for in articles 154, 255, 312 and 256, if the guilty party has committed the crime against his legitimate or natural father or mother, or other ascendants

legitimate or natural it will be punished as follows:

If the article to which the case refers pronounces imprisonment, the culprit will suffer the penalty of imprisonment;

If the article pronounces the penalty of imprisonment, he will undergo that of forced labor for time; If the article pronounces the penalty of forced labor for time, he will undergo that of forced labor for life.

Art. 258 - The crimes and misdemeanors provided for in this section and in the preceding section, if committed in a seditious assembly, with rebellion or looting, are imputable to the leaders, authors, instigators and provocateurs of these assemblies, rebellions or looting, who will be punished as if they were guilty of these crimes or misdemeanors, and condemned to the same penalties as those who personally committed them.

Art. 259 - Any individual who has manufactured, introduced or sold styli, blunderbusses or any kind of weapon prohibited by the law or by the regulations of public administration, will be punished by an imprisonment of six days to six months.

Whoever carries the weapons will be punished with a fine of sixteen gourdes to forty-eight gourdes.

In either case, the weapons will be confiscated.

All this without prejudice to a greater penalty, if any, in case of complicity in crime.

Art. 260 - In addition to the correctional penalties mentioned in the preceding articles, the courts may pronounce expulsion without the special supervision of the high state police, from one year to five years.

Art. 261 - Any person guilty of the crime of castration shall be sentenced to forced labor for life (as amended by the decree of July 4, 1988).

If death results before the expiration of forty days following the crime, the guilty party shall be sentenced to hard labor for life. (Thus modified by the decree of July 4, 1988)

Art. 262 - Anyone who, by means of food, drink, medicine, violence or any other means, procures the abortion of a pregnant woman, whether she has consented to it or not, will be punished by imprisonment.

The same penalty will be pronounced against the woman who procures the abortion herself, or who consents to the use of the means indicated or administered to her for this purpose, if the abortion is followed.

Doctors, surgeons and other health officers, as well as pharmacists who will have indicated or administered these means, will be condemned to the penalty of hard labor, in the case where the abortion would have taken place.

Art. 263 - Anyone who sells or sells adulterated beverages containing mixtures that are harmful to health will be punished by imprisonment of six days to one year

Will be seized and confiscated, the falsified drinks found to belong to the salesman or debtor.

SECTION III - MANSLAUGHTER, BODILY INJURY AND ASSAULT: EXCUSABLE FELONIES AND MISDEMEANORS, AND CASES WHERE THEY CANNOT BE EXCUSED; MANSLAUGHTER, BODILY INJURY AND ASSAULT THAT ARE NEITHER FELONIES NOR MISDEMEANORS

I. MANSLAUGHTER, BODILY INJURY AND INVOLUNTARY ASSAULT

Art. 264 - Anyone who, through clumsiness, carelessness, inattention, negligence or failure to observe the regulations, unintentionally commits a homicide or is the unintentional cause of a homicide, shall be punished by imprisonment for a period of one month to one year and a fine of thirty-two gourdes to ninety-six gourdes.

Art. 265 - If the lack of skill or precaution only results in injury or beatings, the imprisonment will be from six days to two months, and the fine will be from sixteen gourdes to twenty-four gourdes.

II. CRIMES, EXCUSABLE OFFENCES, AND CASES WHERE THEY CANNOT BE EXCUSED

Art. 266 - Murder, as well as wounds and blows, are excusable if they have been provoked by serious blows or violence against persons.

Art. 267 - The crimes and misdemeanors mentioned in the previous article are also excusable if they were committed by repelling, during the day, the escalation or

breaking into fences, walls or entrances of an inhabited house or apartment, or their outbuildings.

If the fact occurred during the night, the case is regulated by article 274.

Art. 268 - Parricide is never excusable.

Art. 269 - Murder committed by a spouse on his or her spouse is not excusable, if the life of the spouse who committed the murder was not endangered at the very moment when the murder took place.

Nevertheless, in the case of adultery provided for in article 284, the murder committed by the husband on his wife, as well as on the accomplice, or on one of them at the moment when he catches them in flagrante delicto in the conjugal house, is excusable.

Art. 270 - The crime of castration, if it was immediately provoked by a violent outrage to modesty, will be considered as murder or excusable injuries.

Art. 271 - When the excuse is proven,

If it is a crime carrying the penalty of hard labor for life (as amended by the decree of July 4, 1988), the sentence will be reduced to imprisonment of two months to two years.

If it is any other crime, it will be reduced to imprisonment of one month to one year;

In the first two cases, the offenders may also be placed, by arrest or judgment, under the special supervision of the State's high police force, for a minimum of three years and a maximum of nine years.

If it is a misdemeanor, the penalty will be reduced to six days to six months in jail.

III. HOMICIDE, INJURIES AND BLOWS NOT QUALIFIED AS CRIMES

Art. 272 - There is neither crime nor misdemeanor when the homicide, injuries and blows were ordered by law and commanded by legitimate authority.

Art. 273 - There is neither a crime nor a misdemeanor when homicide, injury or assault

were commanded by the actual necessity of self-defense of oneself or of others.

Art. 274 - The following two cases are included in the cases of current defense necessity:

1°) If the homicide was committed, if the wounds were made, or if the blows were carried out by pushing back during the night, the climbing, or the effraction of the fences, walls or entry of a house or an inhabited apartment, or of their dependences;

2°) If the act took place in defense against the perpetrators of robbery or looting executed with violence.

Art. 275 - Any building, dwelling, lodge, cabin, even a mobile one, which, although not actually inhabited, is intended for habitation, and all that depends on it, such as courtyards, barnyards, stables, buildings enclosed in them, whatever their use, and even if they have a particular fence within the general enclosure, is deemed to be a dwelling house

Art. 276 - Any forcing, breaking, damaging, demolition, removal of walls, roofs, floors, doors, windows, locks, padlocks, or other utensils or instruments used to close or prevent passage, and of any kind of fence whatsoever, is qualified as a break-in.

Art. 277 - Any entry into houses, buildings, courtyards, farmyards, buildings of any kind, gardens, parks and enclosures, executed over walls, doors, roofs or any other enclosure, is qualified as climbing.

SECTION IV - SEXUAL ASSAULT

(Articles 278 to 286 are modified by the decree of August 11, 2005).

Art. 278 (D. of July 6, 2005, art. 2). Whoever commits the crime of rape, or is guilty of any other sexual assault, committed or attempted with violence, threats, surprise or psychological pressure against the person of either sex, shall be punished with ten years of hard labor.

Any person who has committed a public outrage to modesty, will be punished with a

imprisonment from three months to one year, and a fine of sixteen gourdes to forty-eight gourdes.

Art. 279 - (*Decree of July 6, 2008, art. 3*) If the crime was committed against a child under the age of fifteen, the guilty person shall be punished with fifteen years of hard labor.

Art. 280 (*Decree of July 6, 2005, art. 4*). The penalty shall be life imprisonment with hard labor, if the perpetrators are of the class of those who have authority over the person towards whom they have committed the attack or who abuse the authority conferred on them by their functions, or if the guilty person, whoever he may be, was aided in his crime by one or more persons, or if death resulted.

SECTION IV BIS - INDECENT EXPOSURE

Art. 281 (*Decree of 6 July 2005, art. 6*). Anyone who has offended against morals by inciting, promoting or habitually facilitating the debauchery or corruption of young people, of either sex, under the age of eighteen, will be punished by imprisonment of six months to two years.

If the prostitution or corruption has been incited, promoted or facilitated by their father, mother, guardian or other persons in charge of their supervision, the penalty will be from one to three years of imprisonment.

Art. 282 - (*Decree of July 6, 2005, art. 7*) Those guilty of the offence mentioned in the previous article will be forbidden from all tutorship or curatorship and from all participation in family councils, namely: the individuals to whom the first paragraph of this article applies, for at least two years and at most five years; and those mentioned in the second paragraph, for at least ten years and at most twenty years

Art. 283 (*Decree of 6 July 2005, art. 8*). Any person who commits a public outrage to modesty by committing any act, touching or other similar act likely to injure the modesty of a person of either sex, shall be punished by imprisonment of three months to one year.

Art. 284 (*Repealed by D. 6 July 2005, art. 9*). The adultery of the wife can only be denounced by the husband: this faculty shall cease even if he is in the case provided for in article 287.

Art. 285 (*Repealed by D. July 6, 2005, art. 9*). A woman convicted of adultery shall be sentenced to imprisonment for not less than three months and not more than two years

The husband will remain the master to stop the effect of this sentence by consenting to take back his wife.

Art. 286 (*Repealed by D. July 6, 2005, art. 9*). The accomplice of the adulteress shall be punished by imprisonment for the same period of time. The only evidence that may be admitted against the accused of complicity shall be, in addition to the fact that he is in flagrante delicto, that resulting from letters or documents written by the accused.

Art. 287 (*Repealed by D. 6 July 2005, art. 9*). The husband who has maintained a concubine in the conjugal house, and who has been convinced on the complaint of his wife, shall be punished by a fine of one hundred gourdes to four hundred gourdes.

Art. 288 - Anyone who, having entered into a marriage, contracts another one before the dissolution of the previous one, will be punished with hard labor.

The public officer who will have lent his ministry to this marriage, knowing the exercise of the previous one, will be condemned to the same punishment.

SECTION V - UNLAWFUL ARREST AND CONFINEMENT OF PERSONS

Art. 289 - Those who, without an order from the constituted authorities and except for cases where the law orders the seizure of the accused, will be punished by imprisonment from one year to five years at the most, if they have arrested, detained or confined any person.

Whoever has lent a place to execute the detention or confinement, will suffer the same punishment.

If the detention or confinement lasted more than one month, the penalty will be imprisonment.

Art. 290 - The sentence will be reduced to imprisonment of one month to one year if the culprits of the offenses mentioned in article 289, not yet prosecuted, have released the person arrested, confined or detained before the tenth day following the day of arrest, detention or confinement. Nevertheless, they can be sent back under the special surveillance of the high police of the State for one year up to three years.

Art. 291 - If the arrest has been carried out with a false costume, under a false name, or under a false order from the public authority, the guilty party will be punished with hard labor.

Art. 292 - If the person arrested, detained or confined has been threatened with death, the guilty party will be punished with forced labor for life.

Art. 293 (*Decree of July 4, 1988*). If he was subjected to corporal torture, the guilty party will be punished with hard labor for life; and if death followed, he will be punished with hard labor for life.

SECTION V BIS - ABDUCTION OF PERSONS

Art. 293 bis (*Decree of 4 May 2005. Art. 1*). Those who abduct, detain or confine or attempt to abduct, detain or confine any person with the aim of obtaining a ransom shall be punished with hard labor for life.

Whoever facilitates the kidnapping, provides a place to carry out the detention or confinement, or is an accomplice to such acts, shall be subject to the same punishment.

SECTION VI - CRIMES AND MISDEMEANORS TENDING TO PREVENT OR DESTROY PROOF OF THE CIVIL STATUS OF A CHILD, OR TO JEOPARDIZE ITS EXISTENCE, ABDUCTION OF MINORS, OFFENSES AGAINST BURIAL LAWS

I. CRIMES AND OFFENCES AGAINST THE CHILD

Art. 294 - Those guilty of abduction, concealment, or suppression of a child, of substitution of one child for another, or of supposing a child to a woman who will not give birth, will be punished by imprisonment.

The same penalty will be imposed on those who, being in charge of a child, do not represent him to the persons who have the right to claim him.

Art. 295 - Any person who, having attended a birth, does not make the declaration prescribed by this article, will be punished by imprisonment from six days to one month.

Art. 296 - Any person who, having found a newborn child, does not hand it over to the civil registrar as prescribed by article 57 of the Civil Code, will be punished by the penalty set forth in the preceding article.

This provision does not apply to a person who has agreed to take on the responsibility

of the child, and who would have made his declaration in this regard, before the Justice of the Peace of the place where the child was found.

Art. 297 - Those who carry or lead into a house and leave behind a child under the age of five years, who has been entrusted to them to take care of him or her, or for any other reason, will be punished by an imprisonment of six weeks to six months.

However, no penalty will be imposed if they were not required or did not oblige themselves to provide free of charge for the food and maintenance of the child, and if no one had provided for it.

Art. 298 - Those who expose and abandon a child under the age of five years in a solitary place; those who give the order to expose him/her in this way, if this order is carried out, will be sentenced to imprisonment of six months to two years for this single fact.

The above sentence will be from one to three years, against the guardians, teachers of the child exposed or abandoned by them or by their order.

If, as a result of the exposure and abandonment, the child has remained mutilated or crippled, the action will be considered as intentional injury to the child by the person who exposed and abandoned him or her; and if death ensued, the action will be considered as murder: in the first case, the guilty parties will be subject to the penalty applicable to intentional injury; and in the second, that of murder.

Art. 299 - Those who expose and abandon a child under the age of five in a place that is not solitary, will be punished by an imprisonment of three months to one year.

The offence provided for in this article shall be punishable by imprisonment for a term of six months to two years, if committed by the child's guardians, teachers or schoolteachers.

II. ABDUCTION OF MINORS

Art. 300 - Whoever, by fraud or violence, abducts minors or causes them to be abducted, or causes them to be abducted, diverted or moved from the places where they were placed by those in authority or under their direction

to whom they were subjected or entrusted, will suffer the penalty of imprisonment.

Art. 301 - If the person thus abducted or misappropriated is a girl under fifteen years of age, the punishment will be that of forced labor for a period of time.

Art. 302 - When a girl under fifteen years of age consents to her abduction, or voluntarily follows the abductor, if the latter is of age twenty-one years or older, he will be sentenced to hard labor for a period of time.

If the abductor was not yet twenty-one years old, he will be punished by imprisonment of one to three years.

Art. 303 - If the abductor has married the girl he has abducted, he can only be prosecuted on the complaint of those persons who, according to the civil code, have the right to demand the nullity of the marriage, and he can only be condemned after the nullity of the marriage has been pronounced.

III. VIOLATIONS OF BURIAL LAWS

Art. 304 - Those who, without the prior authorization of the public official, in the case where it is prescribed, have a deceased person buried, will be punished with six days to two months of imprisonment; without prejudice to the prosecution of crimes of which the authors of this offense could be accused in this circumstance.

The same penalty will be applied to those who have contravened, in any way whatsoever, the law and regulations relating to the above-mentioned burials.

Art. 305 - Anyone who conceals or hides the corpse of a person who has committed homicide or who has died as a result of assault or injury shall be punished by imprisonment for a period of six months to two years, without prejudice to more severe penalties, if he has participated in the crime.

Art. 306 - Anyone who is guilty of violating graves or burials will be punished by imprisonment of three months to one year, without prejudice to the penalties for crimes or offenses that may be attached to it.

SECTION VII - PERJURY, DEFAMATION, LIBEL, DISCLOSURE OF SECRETS

I. FALSE TESTIMONY

Art. 307 - Anyone who is guilty of perjury in criminal matters, either against the accused or in his favor, will be punished with hard labor.

If, however, the accused has been sentenced to a penalty greater than hard labor, the false witness who testified against him will suffer the same penalty.

Art. 308 - Anyone who is guilty of perjury in criminal or police matters, either against the accused or in his favor, will be punished by imprisonment.

Art. 309 - The person guilty of perjury in civil matters shall be punished by imprisonment.

Art. 310 - A false witness in a correctional, police or civil matter who has received money, a reward of any kind, or promises, will be punished with hard labor.

In any case, what the false witness has received will be confiscated.

Art. 311 - The person guilty of subornation of a witness will be sentenced to the same punishment as the false witness.

Art. 312 - The one to whom the oath will have been referred or referred in civil matters, and who will have made a false oath, will be punished by the degradation of the civic rights.

II. DEFAMATION, SLANDER, INSULTS, REVELATION OF SECRETS

Art. 313 - Anyone who, either in public places or meetings, or in a public document, or in a printed or unprinted document that has been posted, sold or distributed, imputes facts to any individual that are detrimental to his honor and reputation, will be guilty of the crime of defamation.

The present provision is not applicable to facts whose publicity is authorized by law, nor to those which the author of the imputation was obliged by the nature of his functions or duties to reveal or repress.

Art. 314 - The author of the accusation will not be allowed, in his defense, to ask for proof of it: nor can he allege, as a means of excuse, that the documents or facts are notorious, or that the accusations which give rise to the proceedings are copied or extracted from foreign papers or other printed writings.

Art. 315 - Defamation committed through foreign papers may be prosecuted against those who have sent the articles or given the order to insert them.

Art. 316 - (D. July 4, 1988) The defamer will be punished by the following penalties:

If the imputed act is of such a nature as to merit the death penalty or forced labor for life, the guilty party shall be punished by imprisonment for one to three years and a fine of three hundred to one thousand five hundred gourdes.

In all other cases, the imprisonment will be from six months to one year, and the fine from one hundred to five hundred gourdes.

Art. 317 - When the alleged facts are punishable according to the law, and the author of the accusation has denounced them, the prosecution and judgment of the offense of defamation will be suspended during the investigation of these facts.

Art. 318 - Anyone who makes a written slanderous denunciation against one or more individuals to the officers of the law or the police will be punished by imprisonment of one month to one year.

Art. 319 - In all cases, the slanderer will be forbidden, from the day on which he/she will have undergone his/her punishment, from the rights mentioned in article 28 of the present Code, for a period of at least five years and at most ten years.

Art. 320 - (D. June 13, 1950) - As for insults or insulting expressions which do not contain the imputation of any specific fact, but rather of a specific vice, if they have been uttered in public places or meetings, or inserted in printed or unprinted documents which have been spread and distributed, the penalty will be imprisonment for a period of one month to one year and a fine of one hundred to five hundred gourdes.

Art. 321 - All other insults or insulting expressions which do not have this double character of gravity and publicity, will only give rise to simple police penalties.

Art. 322 - **With regard to** imputations and insults contained in writings relating to the defense of the parties, or in pleadings, the judges hearing the case may, in judging the case, either pronounce the suppression of the insults or injurious writings or issue injunctions to the authors of the offence, or suspend them from

their duties, and rule on damages.

The duration of this suspension may not exceed six months; in the event of a repeat offence, it shall be for a minimum of one year and a maximum of three years.

If the insulting words or writings have the character of serious defamation, and if the judges hearing the challenge are unable to hear the case, they may only pronounce a provisional suspension of their functions against the defendants and refer them to the competent judges for judgment of the offence.

Art. 323 - Doctors, surgeons and other health officers, as well as pharmacists, midwives and all other persons who are entrusted, by state or profession, with secrets entrusted to them, who, except in cases where the law obliges them to denounce, reveal these secrets, will be punished by imprisonment of one month to one year

CHAPTER II - CRIMES AND OFFENCES AGAINST PROPERTY

SECTION I - THEFT

Art. 324 - Anyone who fraudulently takes something that does not belong to him is guilty of theft.

Art. 325 - Embezzlement by husbands to the detriment of their wives, by a widow or widower of things which had belonged to the deceased husband, by children or other descendants to the detriment of their father or mother or other ascendants, to the detriment of their children or other descendants, or by relatives of the same degree, can only give rise to civil reparation.

With regard to all other individuals who will have concealed or applied to their profit all or part of the stolen objects, they will be punished as guilty of theft.

Art. 326 - (*Law of February 16, 1927*) Theft committed by one or more individuals carrying weapons and threatening to use them will be punished by life imprisonment at hard labor.

Art. 327 - Theft committed with climbing, false keys, breaking and entering, or with the help of violence, even if it has not left any trace of injury or contusion, will be

punishable by hard labor for life.

Are qualified false keys, all hooks, nightingales, master keys, keys limited, counterfeited, altered, or which were not intended by the owner, tenant or landlord, to the locks, padlocks or to the closures unspecified to which the culprit will have employed them.

Art. 328 (*Law of February 16, 1927*) Thefts committed at night by two or more persons or with only one of these circumstances, but at the same time in an inhabited place or one that serves as a dwelling, or in buildings dedicated to the legally established religions in Haiti or on public roads, will be punished with hard labor.

Art. 329 - (*Law of February 16, 1927*) - Will be punished by imprisonment :

1°) The domestic thefts, that is to say the thefts committed by a servant or a man of service for hire, even when he will have committed the theft towards persons whom he did not serve, but who were either in the house of the person whom he served or in the one where he accompanied him, or by a worker, apprentice, or employee in the house, the workshop or the store of his boss or employer or by an individual usually working in the house or on the dwelling where he will have stolen;

2°) Thefts committed by an innkeeper, a hotel owner, a valet, a boatman or one of their employees, when they have stolen all or part of the things entrusted to them in this capacity;

When the theft is committed by a single individual during the day on public roads without any of the circumstances provided for in articles 326 and 327, it shall be punished by imprisonment for at least one year and at most five years.

3°) Thefts committed in inns and hostels by people who were received there.

Nevertheless, in the cases provided for by this article, when the value of the objects does not exceed 5,000 gourdes, the penalty shall be imprisonment.

Art. 330 - (*Law of June 24, 1954*) Other thefts not specified in this section, as well as attempts to commit the same crimes, when the value of the stolen objects

exceeding 300 gourdes, will be punished by an imprisonment of three months to three years.

(Law of February 16, 1927) - Is assimilated to these offences and punished with the same penalties, any attempt of theft of this nature which will have been manifested by external acts and followed by a beginning of execution, if it was not suspended and did not miss its effect that by fortuitous circumstances independent of the will of the author.

Those guilty of the thefts and attempted thefts provided for in this article shall also be prohibited from exercising the civil and political rights provided for in article 28 of this Code for a minimum of one year and a maximum of five years, and shall be placed under the supervision of the State Police.

The culprits will also be employed in public works of the Commune for the duration of their imprisonment.

Art. 331 - *(Law of February 16, 1927)* Anyone who extorts by force, violence or coercion the signature or delivery of a writing, an act, a title, or any other document containing or effecting an obligation, disposition or discharge, will be punished with hard labor for a period of time.

Anyone who, by means of written or verbal threats, revelations or defamatory imputations, extorts or attempts to extort either the handing over of funds or securities, or the signing or handing over of the writings listed above, will be punished by imprisonment of one to five years and a fine of 500 to 1000 gourdes.

Art. 332 - *(Law of February 16, 1927)* The carriers, boatmen or their agents who have altered the liquids or merchandise whose transportation was entrusted to them and who have committed this alteration by mixing harmful substances, will be punished by a prison term of one to three years and a fine of one hundred to five hundred gourdes.

If there was no mixture of harmful substances, the imprisonment will be from six months to one year and the fine from fifty to one hundred gourdes.

Art. 333 - In addition to the penalties stipulated above, the person guilty of theft will always be condemned to restitution, and moreover to damages, if necessary, in accordance with article 11 of this code.

SECTION II - BANKRUPTCY, FRAUD, AND OTHER TYPES OF FRAUD

I. BANKRUPTCY AND FRAUD

Art. 334 - Those who, in the cases provided for by the Commercial Code, are found guilty of bankruptcy, will be punished as follows

Fraudulent bankers will be punished with hard labor;

Simple bankrupts will be punished by imprisonment of at least six months and at most two years.

Art. 335 - Those who, in accordance with the Commercial Code, are declared accomplices to fraudulent bankruptcy, will be punished with the same penalties as fraudulent bankrupts.

Art. 336 - **Stockbrokers** and brokers who have gone bankrupt will be punished with hard labor for a period of time; if they are convinced of fraudulent bankruptcy, the punishment will be hard labor for life.

Art. 337.- Whoever, either by using false names or false qualities, or by employing fraudulent maneuvers, to persuade the existence of false undertakings, of an imaginary power or credit, or to give rise to the hope or fear of a success, an accident, and any chimerical event shall be punished by imprisonment for not less than one year and not more than three years.

The guilty party may, moreover, from the day he has served his sentence, be prohibited, for at least three years and at most nine years, from the rights mentioned in article 28 of the present code, all of this except for the more serious penalties if there is a crime of forgery.

II. BREACH OF TRUST

Art. 338 - Anyone who abuses the needs, weaknesses or passions of a minor in order to make him or her sign, to his or her detriment, obligations, receipts or discharges for the loan of money or movable property, or of commercial instruments, or of

any other compulsory effects, in whatever form this negotiation was made or disguised, will be punished by an imprisonment of at least two months and at most two years.

The provision contained in the second paragraph of the previous article may also be applied.

Art. 339 - Anyone who, abusing a blank signature that has been entrusted to him, fraudulently writes over an obligation or discharge, or any act that could compromise the person or the fortune of the signatory, will be punished by imprisonment.

In the event that the blank signature has not been entrusted to him, he will be prosecuted as a forger and punished as such.

Art. 340 (*Law of July 25, 1878*).- Anyone who embezzles or dissipates, to the prejudice of the owners, possessors or holders, effects, money, merchandise, bills, receipts or any other writing containing or effecting an obligation or discharge, which would have been given to him only by way of rental, loan for use, pledge, deposit, mandate, or for salaried or non-salaried work, with the obligation to return or represent them, or to make a specific use or employment of them, shall be punished by the penalties set forth in article 338.

(*Law of July 1, 1954*) The seized person who destroys or misappropriates, or attempts to destroy or misappropriate objects seized from him and entrusted to his custody or to that of a third party, is liable to the same penalty.

(If the breach of trust provided for and punished by the first paragraph has been committed by a public or ministerial officer or by a servant, hired man, pupil, clerk, worker, companion or apprentice, to the prejudice of his employer or of the person with whom he was employed, the penalty shall be imprisonment for a period of one to five years. All of this without prejudice to what is stated in articles 212, 213 and 214 concerning subtractions and removals of money, effects or coins committed in public deposits

Art. 341 - Anyone who, after having produced, in a legal dispute, any title, documents or memorandum, will have withdrawn it in any way whatsoever, will be punished by a fine of sixteen gourdes to sixty-four gourdes.

III. GAMBLING HOUSES, LOTTERIES AND PAWNSHOPS

Art. 342 - Those who run a gambling house and admit the public, either freely or at the request of interested parties or affiliates, the bankers of this house, all those who establish or run lotteries, all administrators, employees or agents of these establishments will be punished by imprisonment of at least two months and at most six months and a fine of one hundred gourdes to one thousand gourdes.

The offenders may also be prohibited, from the day they are sentenced, from exercising the rights mentioned in article 28 of the present Code for a period of at least three months and at most nine years.

In all cases, all funds or effects found exposed to the game or put to the lottery, furniture, instruments, utensils, devices used or intended for the service of the games or lotteries, furniture and movable effects with which the premises are furnished or decorated, shall be confiscated.

Nevertheless, the President of the Republic may authorize by decree the establishment of gambling houses for the development of tourism in the country or for the creation of charitable, educational and other works of public or social utility.

Such by-laws shall prohibit access to such gaming houses by persons of either sex under the age of 21 years.

Art. 343 - Those who establish or maintain pawnshops or pledge houses without legal authorization, or who, having a legal authorization, do not keep a register containing, without any blank or space, the sums or objects pledged as collateral, shall be punished by imprisonment for at least fifteen days and at most three months, and by a fine of one hundred gourdes to four hundred gourdes

IV. IMPEDIMENTS TO FREE BIDDING

Art. 344 - Those who in the adjudications of the ownership, usufruct, or rent of movable or immovable things, of an enterprise, of a supply,

of any operation or service, will have hindered or disturbed the freedom of bids or tenders, by assault, violence or threats, either before or during the bids or tenders, will be punished by an imprisonment of at least fifteen days and at most three months.

The same penalties will be applied to those who, by means of gifts or promises, have excluded the bidders.

V. VIOLATIONS OF TRADE AND ART REGULATIONS

Art. 345 - Anyone who deceives the buyer about the title of gold or silver materials, about the quality of a false stone sold as fine, about the nature of any goods; anyone who, by using false weights or measures, deceives about the quantity of goods sold, will be punished by imprisonment for at least three months, at most one year, and by a fine that cannot exceed one quarter of the restitutions and damages, nor be less than twenty-four gourdes

The objects of the crime, or their value, if they still belong to the seller, will be confiscated, and furthermore broken.

Art. 346 - If the seller and the buyer have used in their contracts weights or measures other than those established by the laws of the State, the buyer shall be deprived of all actions against the seller who has deceived him by using prohibited weights or measures: without prejudice to public action for punishment, both for this fraud and for the use of the prohibited weights and measures themselves

The penalty for fraud will be the same as in the previous article.

The penalty for the use of the prohibited measures and weights will be determined by the law N° 5 on the contraventions of police.

Art. 347 - Any edition of writings, musical compositions, designs, lithographs, paintings or any other production, printed or engraved in whole or in part, in disregard of the laws and regulations relating to the property of authors, is an infringement, and any infringement is a crime.

Art. 348 - The crime of counterfeit works, the introduction into Haitian territory

of works which, after having been printed in Haiti, have been counterfeited abroad, are an offense of the same kind.

Art. 349 - The penalty against the counterfeiter or the introducer shall be a fine of at least one hundred gourdes and at most four hundred gourdes; and against the debtor, a fine of at least sixteen gourdes and at most eighty gourdes.

The confiscation of the counterfeit edition will be pronounced against the counterfeiter as well as against the introducer and the debtor.

The boards, molds, or dies of the counterfeit objects will be confiscated.

Art. 350 - Any director, any show entrepreneur, any association of artists, who will have had dramatic works represented in his theater, in disregard of the laws and regulations relating to the property of authors, will be punished by a fine of at least twenty-four gourdes, eighty gourdes at the most, and by the confiscation of the receipts

Art. 351 - In the cases provided for in the four preceding articles, the proceeds of the confiscation or the confiscated revenues shall be given to the owner to compensate him for the damage he has suffered: the surplus of his compensation or the entire compensation, if there has been no sale of confiscated objects or seizure of revenues, shall be settled by the ordinary means.

VI. SUPPLIER'S OFFENCES

Art. 352 - All individuals charged, as members of companies or individually, with supplies, enterprises or management, on behalf of the armies of the land and sea, without having been forced to do so by a force majeure, will be punished by imprisonment and a fine which cannot exceed one quarter of the damages, nor be less than one hundred gourdes; all without prejudice to stronger penalties, in case of intelligence with the enemy.

Art. 353 - When the cessation of service is due to the actions of the agents or suppliers, the agents will be condemned to the penalties provided for in the preceding article. The suppliers and their agents will also be condemned, when both have participated in the crime.

Art. 354.- If public officials or agents employed or salaried by the State have helped the guilty parties to cause the service to be missed, they shall be punished with hard labor for a period of time; without prejudice to the more severe penalties in case of intelligence with the enemy although the service has not been missed, if, through negligence, the deliveries and the work have been delayed, or if there is fraud on the nature, the quality or the quantity of the work or labor or of the things supplied, the culprits shall be punished by a prison term of at least six months and at most three years, and by a fine that may not exceed one quarter of the damages, nor be less than twenty-four gourdes

In the various cases provided for in the articles making up this paragraph, proceedings may be instituted only upon the denunciation of the Government or the Public Administration.

SECTION III - DESTRUCTION, DEGRADATION, DAMAGE

Art. 356 - Anyone who deliberately sets fire to buildings, ships, boats, stores, construction sites, when they are inhabited or used for habitation, and generally to places inhabited or used for habitation, whether or not they belong to the perpetrator of the crime, will be punished with hard labor for life (as modified by the decree of July 4, 1988).

The same penalty will be imposed on anyone who deliberately sets fire to cars or wagons containing persons, or to cars or wagons not containing persons, but forming part of a convoy containing persons.

Anyone who deliberately sets fire to buildings, ships, boats, stores, or construction sites, when they are neither inhabited nor used for habitation, or to forests, woods, coppice or standing crops, when these objects do not belong to him, will be punished with forced labor for life.

The one who, by setting, or by making set fire to one of the objects enumerated in the preceding paragraph and to himself belonging, will have voluntarily caused a damage to others, will be punished with hard labor for time.

Whoever sets fire to crops, either in heaps or stacks, or whoever sets fire to crops, either in heaps or stacks, or whoever sets fire to crops, either in heaps or stacks, or

whoever sets fire to crops, either in heaps or stacks, or whoever sets fire to crops

Whoever willfully sets fire to crops, either in heaps or in stacks, or

to wood arranged in heaps or in steres, or to cars or wagons loaded or not loaded with goods, or other movable objects and not forming part of a convoy containing people, if these objects do not belong to him, will be punished with hard labor for time.

Whoever, by setting or causing to be set on fire one of the objects enumerated in the preceding paragraph and belonging to himself, will have voluntarily caused any harm to others, will be punished by imprisonment.

Will be punished with the same penalty, the one who will have set fire on the order of the owner.

Whoever shall have communicated fire to any of the objects enumerated in the preceding paragraphs, by voluntarily setting fire to any of the objects belonging either to himself or to another, and placed in such a way as to communicate the said fire, shall be punished by the same penalty as if he had directly set fire to one of the said objects.

In all cases, if the fire has caused the death of one or more persons, being in the burned places at the time when it broke out, the penalty will be hard labor for life (So modified by the decree of July 4, 1988).

The penalty shall be the same, according to the distinctions made in the preceding paragraphs, against those who have destroyed, by the effect of a mine, buildings or ships.

Art. 357 - The threat to burn down a house or any other property will be punished with the same penalty as the threat of murder, according to the distinctions established in articles 250, 251 and 252.

Art. 358 - Anyone who deliberately destroys or overturns, by any means other than those mentioned in article 356, in whole or in part, buildings, bridges, dykes or causeways, or other constructions that he knows belong to others, shall be punished by imprisonment and a fine that may not exceed one quarter of the restitution and compensation, nor be less than twenty-four gourdes.

If there has been homicide or injury, the guilty party will be punished in the first case, with hard labor for life (as modified by the decree of July 4, 1988), and in the second, with hard labor for time.

Art. 359 - Anyone who, by assault, opposes the carrying out of work authorized by the Government, shall be punished by imprisonment for a period of two months to two years, and by a fine which may not exceed one quarter of the damages, nor be less than sixteen gourdes.

The perpetrators will suffer the maximum penalty.

Art. 360 - Anyone who deliberately burns or destroys, in any way, registers, minutes or original acts of the public authority, titles, bills, bills of exchange, commercial or bank instruments containing or effecting obligations, dispositions or discharges, will be punished as follows

If the destroyed documents are acts of the public authority, or commercial or bank instruments, the penalty will be imprisonment;

If it is any other piece, the culprit will be punished by imprisonment from one year to three years.

Art. 361 - Any looting, any damage to foodstuffs or merchandise, effects, movable property, committed in a group or in a gang and with open force, will be punished by hard labor for a period of time.

Art. 362 - If the foodstuffs looted or destroyed are grains, granules, or flour, floury substances, bread, wine, or other beverages, the punishment to be imposed on the leaders, instigators, or provocateurs only, will be the maximum of forced labor for a period of time.

Art. 363 - Anyone who, with the help of a corrosive liquor or by any other means, deliberately spoils goods or materials used in the manufacture of goods, will be punished by imprisonment of two months to two years.

If the offence was committed by a worker of the factory, or by a clerk of the trading house, the imprisonment will be from one year to three years.

Art. 364 - Anyone who devastates standing crops, or plants that have come into existence naturally or by human hands, shall be punished by imprisonment of one to three years.

Moreover, the guilty parties may be placed under the supervision of the State's high police force for a minimum of three years and a maximum of nine years.

Art. 365 - Anyone who cuts down one or more trees that he knows to belong to another shall be punished by imprisonment of not less than six days and not more than six months for each tree, without the total exceeding three years.

Art. 366 - The penalties will be the same for each tree mutilated, cut or barked in such a way as to cause it to perish.

Art. 367 - If one or more grafts have been destroyed, imprisonment shall be from six days to two months for each graft, without the total exceeding two years.

Art. 368 - The minimum penalty shall be twenty days in the cases provided for in articles 365 and 366; and ten days in the case provided for in article 367, if the trees were planted in squares, roads, paths, streets or public or local roads, or in crossings.

Art. 369 - Anyone who cuts sugar cane, grain or fodder that he knows belongs to another person, shall be punished by imprisonment of not less than six days, nor less than two months.

Art. 370 - The imprisonment will be of twenty days at least and four months at most, if it was cut canes or grains in green.

Art. 371 - Any breakage or destruction of agricultural tools, livestock pens, or guards' huts shall be punished by imprisonment of at least one month and at most one year.

Art. 372 - Anyone who poisons horses or other animals used as carriages, mounts or loads, large or small animals, or fish in ponds, rivers or reservoirs will be punished by imprisonment for one to three years and a fine of sixteen gourdes.

The guilty parties may be placed under the supervision of the State's high police force for a minimum of two years and a maximum of five years

Art. 373 - Those who, without necessity, kill any of the animals mentioned in the previous article will be punished as follows

If the offence was committed in the buildings, enclosures or outbuildings, or on the land of which the master of the animal killed was owner, tenant, part-time farmer or farmer, the penalty shall be imprisonment for a period of two to six months.

If it was committed on the premises where the culprit was owner, tenant, farmer or farmer, the imprisonment will be from six days to six months.

If it was committed in any other place, the imprisonment will be from fifteen days to six weeks.

The maximum penalty will always be imposed in the case of a fence violation or if the guilty party was the custodian of the animal killed.

Art. 374 - Anyone who, without necessity, kills a domestic animal in a place of which the person to whom the animal belongs is the owner, tenant, sharecropper or farmer, shall be punished by imprisonment of at least two months and at most six months. If there has been a violation of the fence, the maximum penalty shall be pronounced.

Art. 375 - Anyone who, in whole or in part, fills in pits, destroys fences, of whatever material they are made, cuts or tears up living or dry hedges; anyone who moves or removes bollards, corner posts, or other trees planted or recognized to establish the limits between different heritages, will be punished by imprisonment that cannot be less than one month nor exceed one year.

Art. 376 - Owners or tenants, or any other persons enjoying mills, factories or ponds, who by raising the spillway of their waters above the height determined by the competent authority, have flooded the roads or properties of others, shall be punished by a fine which may not exceed one quarter of the restitution and damages, nor be less than ten gourdes - C. civ. 463, 939, 1168 and 1169. If some degradation has resulted from the fact, the penalty will be, in addition to the fine, imprisonment for six days to one month.

Art. 377 - The fire of the movable properties of others, which will have been caused by the obsolescence or the defect, either of repair or cleaning of the furnaces, chimneys, forges, houses, or factories next, or by fires lit in the fields to less than one hundred steps of the houses, buildings, forests, woods, orchards, plantations, hedges, millstones, piles of

(b) Any person who, in the course of his or her duties, causes a fire, or any other act or omission, to be committed by any person or persons, or by any grain, forage, bagasse or other deposit of combustible materials, or by fires or lights carried and left without sufficient care, or by fireworks lighted or fired by negligence or carelessness, shall be punished by a fine of not more than thirty-two gourdes.

Art. 378 - Any keeper or guardian of animals or livestock suspected of being infected with a contagious disease, who does not immediately notify the Justice of the Peace of the municipality in which they are found, and who, even before the Justice of the Peace responds to the warning, does not keep them enclosed, shall be punished by imprisonment for a period of between six days and two months and a fine of between sixteen gourdes and forty-eight gourdes

Art. 379 - Those who, in disregard of the administration's defenses, allow their infected animals or cattle to communicate with others, will also be punished by a prison term of two to six months and a fine of twenty to one hundred gourdes.

Art. 380 - If the communication mentioned in the previous article results in a contagion among other animals, those who have contravened the prohibitions of the administrative authority will be punished with a prison sentence of one to three years, all without prejudice to the execution of the laws and regulations concerning epizootic diseases, and the application of the penalties.

Art. 381 - If the offenses of correctional police, referred to in this chapter, have been committed by rural or forest guards, or police officers, in any capacity whatsoever, the penalty of imprisonment shall be at least one month, and at most one year, in addition to the highest penalty that would be applied to another person guilty of the same offense.

SECTION IV - HIJACKING

Article 381 bis - Any person without a ticket who, with the help of violence or the threat of violence, enters an aircraft, while passengers are boarding, to be transported to any landing place of the aircraft, or any person on board an aircraft in flight who, by violence or the threat of violence, takes possession of this aircraft or exercises control over it, will be punished with hard labor for a period of five to ten years.

If these illegal acts result in injury or illness, the penalty will be ten to twenty years of hard labor.

If the death of one or more persons is the result, the penalty will be life imprisonment with hard labor.

GENERAL PROVISION

Art. 382 - (*Law of July 25, 1878*) - The sentences pronounced by the law against the accused person or persons found guilty, in whose favor the jury has declared extenuating circumstances, will be modified as follows: If the sentence is that of hard labor for life, the court will apply that of hard labor for time or that of imprisonment;

If the penalty is hard labor, the court will apply the penalty of imprisonment or banishment;

If the penalty is detention or imprisonment, banishment or degradation, the court will apply the penalty of imprisonment, without however being able to reduce the duration to less than one year.

In all cases where a law imposes the maximum penalty of affliction, if there are mitigating circumstances, the court will apply the minimum or even the lower penalty.

In all cases where the penalty of imprisonment and fine are pronounced by the Penal Code, if the circumstances appear mitigating, the correctional courts are authorized, even in case of recidivism, to reduce these two penalties as follows

If the penalty pronounced by the law, either because of the nature of the offence or because of the recidivism of the accused, is imprisonment of not less than one year, or a fine of not less than forty-eight piasters, the courts may reduce the imprisonment to six days and the fine to four piasters

In all other cases, they can reduce the imprisonment even below six days, and the fine even below four piasters (*Law of February 16, 1927*).

may also pronounce separately one or the other of these penalties and even substitute a fine for imprisonment. In the latter case, the fine will be from fifty to two hundred gourdes.

LAW NO. 5
ON POLICE CONTRAVENTIONS AND PENALTIES

CHAPTER I
OF
PENALTIES

Art. 383 - The police penalties are :

Imprisonment in a police chamber; Fine;
The confiscation of certain seized objects.

Art. 384 - Imprisonment may not be less than one day nor exceed six months, according to the classes, distinctions and cases specified below.

The days of imprisonment are full days of twenty-four hours.

Art. 385 - Fines for contraventions may be pronounced from one gourde up to and including twenty-five gourdes, according to the distinctions and classes specified below, and shall be paid into the public fund.

Art. 386 - Constraint by corps is carried out for the payment of a fine. Nevertheless, the convicted person may not be detained for more than one month for this purpose, if he can prove his insolvency.

Art. 387 - In case of insufficiency of property, restitution and compensation due to the injured party are preferred to a fine.

Art. 388. These restitutions, indemnities and costs shall entail the imposition of a constraint by corps. If these sentences are pronounced in favor of the State, the condemned persons may take advantage of the option granted by article 386, in the case of insolvency provided for by that article. And when these sentences are pronounced in favor of all other parties, the entire duration of the constraint shall be three months.

Art. 389 - The police courts may also, in the cases determined by the law

to pronounce the confiscation of the things seized in contravention, or of the materials or instruments that served or were intended to serve to commit it.

CHAPTER II

CONTRAVENTIONS AND PENALTIES

SECTION I - FIRST CLASS

Art. 390 - (*Law July 25, 1878*) - Will be punished of fine, from two to forty piasters inclusively:

1°) Those who will have neglected to maintain, repair or clean the furnaces, chimneys or factories, where one makes use of the fire;

2°) Those who will have violated the prohibition to fire in certain places, fireworks or shots of firearms;

3°) Those who will have neglected to clean the streets or passages in the communes where this care is left to the inhabitants;

4°) Those who will have obstructed the public way, by depositing there, by leaving there, without necessity, materials or things which prevent or decrease the freedom or the safety of the passage; those who will have neglected or to remove or to illuminate the materials by them stored, or the excavations by them made in the streets and places;

5°) Those who will have neglected or refused to carry out the regulations or decrees concerning the small roadway, or to obey the summons emanating from the authority, to repair or demolish the buildings threatening ruin:

6°) Those who will have thrown or exposed in front of their buildings, things of a nature to harm by their fall or unhealthy exhalations;

7°) Those who will have left in the streets, roads, squares, public places, or in the fields, ploughing tools, pliers, bars, or other machines or instruments, or weapons of which thieves and other malefactors can abuse;

8°) Those who, without any circumstance provided for by the law, will have picked or eaten on the premises fruits belonging to others.

9) Those who, without other circumstances, will have gleaned, raked or gathered in the fields not yet entirely stripped and emptied of their harvests or before the moment of the rising or after that of the sunset;

10°) Those who, without having been provoked, will have uttered insults;

11) Those who, carelessly, will have thrown filth on any person;

12°) Those who let their cattle or their draught animals, loads or mounts pass in the gardens of others;

13) Those who do not comply with the regulations or by-laws legally issued and published by the local authority, pursuant to article 43, except Nos. 5, 6, 7 and 8 of the law on the Communal Councils of July 4, 1872, and articles 29, 39 and 40 of the law on the District Councils, of November 20, 1876

Art. 391 - The articles and firearms seized in the case of number 2 of the preceding article, the instruments and weapons mentioned in number 7 of the same article will also be confiscated.

Art. 392 - The penalty of imprisonment, for a maximum of two days, may also be pronounced, depending on the circumstances, against those who have fired fireworks or firearms and against those who have gleaned, raked or gathered in contravention of article 390, paragraph 9.

Art. 393 - The sentence of imprisonment against all the persons mentioned in article 390, will always take place, in case of recidivism, for a maximum of three days.

SECTION II - SECOND CLASS

Art. 394 - **The** following will be punished by a fine, from six gourdes to ten gourdes inclusive

1°) The innkeepers, hoteliers, lodgers or renters of furnished rooms, who will have neglected to register immediately and without any blank, on a regularly kept register the names, qualities, usual domicile, dates of entry and exit, of any person who would have slept or spent the night in their houses, those of them who would have failed to present this register at the times determined by the regulations, or

when required, to justices of the peace, deputies or police officers, or to citizens appointed for that purpose

2°) Rovers, carters, cab drivers, drivers of public cars, or of beasts of burden, who would have neglected to keep themselves constantly within reach of their horses, draught animals or beasts of burden, and of their cars, and in a state to guide and drive them.

3°) Those who will have made or let run horses, beasts of burden or mount, in the interior of the cities or boroughs;

4°) Those who will have established or held in the streets, roads, squares or public places, lotteries or other games of chance;

5°) Those who sell or sell adulterated beverages; without prejudice to the more severe penalties that will be pronounced by the courts in correctional matters, in the case where they contain mixtures harmful to health;

6°) Those who have allowed madmen or furious people to roam, being under their care, or evil or ferocious animals; those who have excited or have not restrained their dogs, when they attack or pursue passers-by, even if no harm or damage has resulted.

7°) Those who have thrown stones or other hard bodies, or rubbish, against the houses, buildings or fences of others, or in gardens or enclosures; and those who have deliberately thrown rubbish on someone.

8°) Those who would have refused to receive the national coins neither false, nor altered, according to the value for which they have course.

9°) Those who, being able to, will have neglected or refused to do the work, the service, or to lend the help of which they will have been required, in the circumstances of accidents, tumults, shipwreck, flood, fire or other calamities, as well as in the cases of robberies, pillaging, flagrant offence, public clamour or judicial execution

10°) The persons designated in articles 229 and 233 of this code.

Art. 395 - Depending on the circumstances, the following may be pronounced, in addition to the fine set out in

the preceding article, imprisonment for a maximum of three days, against the truck drivers, carters, cab drivers, valet drivers and drivers in contravention; against those who will have disturbed the public safety, by the speed or the bad direction of the cars or the animals; against the salesmen and retailers of falsified drinks; against those who would have thrown hard bodies or refuse.

Art. 396 - The following shall be seized and confiscated

1°) The tables, instruments, devices of games of chance or lotteries, established in the streets, roads and public ways, as well as the stakes, funds, foodstuffs, objects, or prizes offered to the players, in the case of article 394

2°) The adulterated drinks found to belong to the seller or the retailer: the drinks will be spilled;

3°) Writings, drawings, lithographs or engravings contrary to morality: these objects will be burned.

Art. 397 - The penalty of imprisonment for a maximum of four days will always be pronounced, in case of recidivism, against all the persons mentioned in article 394.

SECTION III - THIRD CLASS

Art. 398 - Will be punished by a fine of eleven gourdes to fifteen gourdes inclusively:

1°) Those who, except for the cases provided for in article 356 up to and including article 281, willfully cause damage to the movable property of others;

2°) Those who will have inhumanely mistreated non-malicious animals;

3°) Those who will have caused the death or the injury of animals or cattle belonging to others by the effect of the divagation of madmen or furious, of evil or ferocious animals, or by the speed or the bad direction, or the excessive load of the carriages, horses, beasts of work, of load or of mount;

4°) Those who will have caused the same damage by the use or the use of weapons, without precaution or with clumsiness, or throwing stones or other hard bodies.

5°) Those who will have caused the same accidents by the obsolescence, the degradation, the defect of repair or maintenance of the houses or buildings; or by the encumbrance or the excavation, or such other works, in or near the streets, roads, squares, or public ways, without precautions or signals ordered or of use.

6°) Those who have false weights or measures in their stores, stores, workshops or business houses, or in the halls, fairs or markets; without prejudice to the penalties which will be pronounced by the courts in matters of correctional police, against those who would have made use of these false weights or these false measures.

7°) Those who will use weights or measures different from those established by the laws in force.

8°) The authors or accomplices of noises or disturbances, during the day or night, the peace of the inhabitants.

Art. 399 - Depending on the circumstances, the sentence of imprisonment for a maximum of four days may be pronounced:

1°) Against those who have inhumanely mistreated non-malicious animals; 2°) Against those who have caused the death or injury of animals or livestock belonging to others, in the cases provided for in No. 4 of the previous article

3°) Against the possessors of false weights and measures

4°) Against those who use weights or measures different from those established by the law in force;

5°) Against the authors or accomplices of noise or disturbances.

Art. 400 - False weights, false measures, as well as weights and measures different from those established by the law, will also be seized and confiscated.

Art. 401 - The penalty of imprisonment for five days will always be applied for recidivism, against the persons and in the cases mentioned in article 398.

SECTION IV - FOURTH CLASS

ASSAULT AND BATTERY

Art. 402 - All assaults that do not cause bruising or injury are punishable by five to twenty-five days in prison and a fine of five to twenty-five gourdes.

**SECTION V - FIFTH CLASS
OF THE VAGABONDAGE**

Art. 403 (*Law of October 27, 1864*).

Art. 404 (*Law of October 27, 1864*).

Articles **403** and **404** are repealed by the law of October 27, 1864 and replaced by articles 227-1 to 227-5.

SECTION VI - SIXTH CLASS - SPELLS

Art. 405 (*Repealed by the law of July 3, 1935*).

Art. 406 - People who are in the business of telling fortunes or guessing, prognosticating, explaining dreams or drawing cards, will be punished by imprisonment of at least two months and at most six months and a fine of one hundred gourdes to five hundred gourdes.

They will also be placed under the supervision of the high state police for two years after the expiration of their sentence, by the mere fact of their conviction.

Art. 407 (*Repealed by the law of July 3, 1935*).

**SECTION VII - SEVENTH CLASS
DES LARCINS**

Art. 408 - (*Law of July 1, 1954*) Any theft of objects whose value does not exceed three hundred gourdes, and which is committed without any of the circumstances provided for in articles 326, 327, 328 and 329 of the present Code, is qualified as "larceny".

Art. 409 - Any larceny will be punished by one month to six months of imprisonment.

The guilty party will be employed during the duration of his sentence in the public works of the commune, the provision of article 333 above will be applied to him, in addition.

PROVISIONS COMMON TO THE ABOVE SECTIONS

Art. 410 - (*Law of February 16, 1927*) - In all the cases provided for by the present law, there is a recidivism when a first judgment for a police offence has been rendered against the offender within the preceding twelve months.

In matters of simple police, except in the cases provided for in article 408, when there are extenuating circumstances in favor of the offender, the judge may sentence him to imprisonment or to a fine, reduce the imprisonment to the minimum, as well as the fine, and even substitute a fine for imprisonment.

In the latter case, the fine will be from twenty-five gourdes to fifty gourdes.

GENERAL PROVISIONS

Art. 411 - The present code will be enforceable in the whole Republic, from January 1st 1836.

Art. 412 - In all matters not regulated by the present code, and which are governed by particular laws and regulations, the courts shall continue to observe them.

Art. 413 - The present code shall be sent to the Senate in accordance with the Constitution.